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Monroe

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.

Sincerely,

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Monroe



Monroe County Courthouse

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Chapter I - Administration

Advertising Material

Public Acts of 1983 Chapter 353

SECTION 1. It shall be unlawful for any person to place or attach any type of show-card, poster, or advertising material or device, including election campaign literature, on any kind of poles, towers, or fixtures of any public utility company, whether privately or publicly owned or as defined in Tennessee Code Annotated, Section 65-4-101, unless legally authorized to do so.

SECTION 2. This Act shall apply to any county having a population of not less than eighty-eight thousand seven hundred (88,700) nor more than eighty-eight thousand eight hundred (88,800), not less than one hundred forty thousand (140,000) and not more than one hundred forty-five thousand (145,000), any county having a population of not less than seventy-four thousand five hundred (74,500) nor more than seventy-four thousand six hundred (74,600) according to the 1980 Federal Census of Population or any subsequent Federal Census, and any county having a metropolitan form of government, which elects to come under its provisions upon approval by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of any county to which it may apply. Its approval shall be proclaimed by the presiding officer of the county legislative body of such county and certified by him to the Secretary of State.

SECTION 3. The provisions of this Act shall also apply to any county having a population of not less than 319,625 and not more than 319,725 according to the 1980 Federal Census or any subsequent Federal Census.

SECTION 4. The provisions of this Act shall also apply in counties having a population of

not less than

28,690

13,600

43,700

nor more than

28,750

13,610

43,800

according to the 1980 Federal Census of Population or any subsequent Federal Census.

SECTION 5. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 5, 1983.

Building Permits

Private Acts of 1965 Chapter 82

SECTION 1. (a) Any person, partnership or corporation who intends to erect, place, install, construct, reconstruct or to have erected, placed, installed, constructed, altered or reconstructed any structure in Monroe County, and any person, partnership or corporation desiring to alter or have altered any existing structure in Monroe County where the value of such alteration is greater than Five Thousand Dollars (\$5,000.00) shall apply to the Monroe County Codes Enforcement Officer for a building permit for such erection, placement, installation, construction or reconstruction or alteration. The term "structure" shall include mobile homes and manufactured housing.

(b) The application shall be in a form to be prescribed by the County Codes Enforcement Officer and shall contain the following information:

(1) whether the proposed work is to be new construction or the alteration of an existing structure;

(2) the location or address of the proposed construction or alteration;

(3) the identity of the owner or owners of the premises;

(4) the cost of the completed structure, in the case of new construction, or in the case of the alteration of an existing structure, the value of the structure before and after the alterations; and

(5) such other information as the County Codes Enforcement Officer may prescribe.

(c) Upon proper application duly made and filed, the County Codes Enforcement Officer shall issue a building permit, file a copy in his or her office and cause a copy to be filed in the office of the County Assessor of Property, and the office of Monroe County E-911, so that the fact of such

erection, construction, or alteration shall be noted for their records.

As amended by: Private Acts of 1969, Chapter 137

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

Private Acts of 2004, Chapter 103

SECTION 2. The Monroe County Board of County Commissioners shall have the power and the authority to determine and establish fees to be charged for permits, which fees may be changed or altered as said County Commissioners deem proper and necessary.

As amended by:

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

COMPILER'S NOTE: Private Acts of 2000, Chapter 130, amended Section 2 by deleting the old section in its entirety and substituting a new Section 2. The language in the new section is identical to the old Section 2.

SECTION 3. (a) No municipality, county, cooperative or utility district shall furnish utility services to any property on which a building or other structure is being erected, placed, installed, constructed, reconstructed or altered, or to such building or other structure unless notified by the County Codes Enforcement Officer of Monroe County that the provisions of Section 1(a) have been complied with. This notification shall be in the form of a copy of a building permit provided by the person intending to erect, place, install, construct, reconstruct or alter any building, structure or facility for the value of the alterations is greater than Five Thousand Dollars (\$5,000.00) or notification from the County Codes Enforcement Officer that a building permit is not necessary. No municipality, county, cooperative or utility district who furnishes utility services in violation of the statute shall be liable for said violation unless the violation is knowing and intentional.

(b) It shall be unlawful to erect, place, install, construct, reconstruct or alter any building, structure or facility where the value of the alteration is greater than Five Thousand Dollars (\$5,000.00) without securing such permit and paying the fee prescribed by the Board of County Commissioners under the authority of this act. Any person, firm or corporation violating any such regulations or provisions of this act shall be assessed with a civil penalty of any amount not to exceed One Thousand Dollars (\$1,000.00).

(c) This permit requirement shall not apply to the erection, placement, installation, construction, reconstruction, or alteration of any structure in a municipality requiring a similar permit if a copy of the municipal permit is filed with the County Codes Enforcement Officer and if a fee of Ten Dollars (\$10.00) is paid to cover the cost of registering the permit in the office of the County Codes Enforcement Officer, the Assessor of Property, and the E-911 Office.

As amended by: Private Acts of 1969, Chapter 137

Private Acts of 1996, Chapter 172

Private Acts of 2000, Chapter 130

Private Acts of 2004, Chapter 103

SECTION 4. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State, or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

SECTION 5. 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 4 herein.

Passed: February 25, 1965.

County Attorney

Private Acts of 1927 Chapter 777

SECTION 1. That the office of County Attorney is hereby created in all counties in this State having a population of not less than 22,050 nor more than 22,075, according to the Federal Census of 1920, or any subsequent Federal Census. The term of said office shall be for a period of one year, and the said County Attorney shall be appointed by the County Judge or County Chairman on the first Monday in January, following the passage of this Act, and every year thereafter, on the said first Monday in January.

SECTION 2. That it shall be the duty of said County Attorney to look after all litigation involving the said

county, or to which the said county may be a party, or in which the said county may be a party, [sic] or in which said party may be interested, and all litigation involving county officers or county officials, in their official or public capacity, and to advise all county officers and officials upon any matters pertinent to the public duties of said officers, and to advise the Quarterly County Court in all pertinent matters.

SECTION 3. That the compensation of said County Attorney shall be the sum of Six Hundred (\$600.00) Dollars per year, payable quarterly, out of and from county funds, as other county expenses are paid, and in addition to said yearly compensation said county attorney shall be reimbursed for such actual expenses as he may incur in the duties pertaining to his office, or in connection with any litigation in which he may appear as county attorney.

As amended by: Private Acts of 1929, Chapter 159

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

Passed: April 25, 1927.

County Clerk

Private Acts of 1939 Chapter 422

SECTION 1. That this Act shall apply to each County in the State having a population of not less than 21,370 nor more than 21,380 by the Federal Census of 1930 or any other subsequent Federal Census; and that in each such County the County Court Clerk shall be authorized to employ a Deputy or Clerk to assist him in the performance of his duties at compensation of \$50.00 per month to be paid on warrant of the County Judge drawn on the general County funds to the Trustee of such Counties.

SECTION 2. That this Act take effect from September 1, 1938, so as to reimburse such County Court Clerks for money expended for clerical assistance from that date.

SECTION 3. That if any clause, sentence, paragraph, section, or any part or parts of this Act shall be declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part so held to be invalid, if any.

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

Passed March 7, 1939.

County Law Library

Private Acts of 1997 Chapter 72

AN ACT to impose a litigation fee to fund the establishment and maintenance of a County Law Library in Monroe County.

WHEREAS, Tennessee Code Annotated, Section 67-4-601 authorizes counties to levy a local litigation fee; and

WHEREAS, it would be in the best interest of Monroe County to establish a Law Library Commission for the purpose of establishing and maintaining a law library; and

WHEREAS, the Monroe County Legislative Body has requested that the Tennessee General Assembly pass such a private act for Monroe County; now, therefore,

SECTION 1. That there is hereby created a Law Library Commission of Monroe County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled to practice in all the courts of Monroe County, Tennessee, and maintaining a full-time law office within the territorial jurisdiction of said courts; the third member shall be the county executive.

The two (2) attorney members of said commission shall be elected by the members of the Monroe County Bar Association at its next regular meeting or special meeting called for that purpose on or after the effective date of this act, to serve until the next regular meeting of the Monroe County Bar Association at which Bar Association officers are elected. Thereafter, attorney members of the commission shall be elected annually by the membership of the Monroe County Bar Association at the same time that Bar Association officers are elected. The Bar Association shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the commission shall elect from among its membership a Chairman and a Secretary. The

members of this commission shall receive no compensation for their services as such.

SECTION 2. That on or after the effective date of this act, a litigation fee not to exceed one dollar (\$1.00) shall be collected as part of the costs in all cases, both criminal and civil filed in all courts of Monroe County, Tennessee.

Said fee shall be collected by the Clerk of each court and shall be paid to the Trustee of Monroe County, Tennessee, who will place the same in a separate fund, which is to be designated as the "Monroe County Legal Library Fund". Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the County Executive upon the approval and authorization of the commission.

SECTION 3. That the commission shall have the following powers and authorities:

- (a) To expend the funds hereby provided for the purpose of establishing and maintaining a law library for the use of the court, judges, public officials and attorneys.
- (b) To acquire by gift, purchase, loan or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- (c) To acquire in like manner furniture, equipment and supplies for the establishment and operation of the law library.
- (d) To make such rules and regulations governing the operation and use of the law library as the commission in its discretion deems necessary.
- (e) The commission shall be responsible for the protection and safekeeping of the law library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such library any persons who should cause any damage to the equipment, fixtures and contents thereof, or who refuse to conform with the rules and regulations promulgated by the commission.
- (f) To borrow money, buy on credit, and pledge the revenues from the fee hereinabove provided for the payment of the same.
- (g) To set the amount of the litigation fee not to exceed one dollar (\$1.00) which shall be collected hereinabove provided.

SECTION 4. That the commission shall hold regular meetings and special meetings upon the call of the chairman. Two (2) persons shall constitute a quorum and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the commission. The Secretary shall keep the records of all meetings to reflect the action of the commission.

SECTION 5. That upon the termination of the commission, or any successor or successors to said commission, by an act of the General Assembly or otherwise, the law library, its contents, equipment and supplies, and all other property obtained by Act of the Commission shall become the property of Monroe County for the use and benefit of the residents of said county.

SECTION 6. That if any provisions or clause of this Act or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect after the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

SECTION 7. That this Act shall have no effect unless the same shall be approved by a two-thirds ($\frac{2}{3}$) vote of the County Commission of Monroe County, Tennessee, at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Executive and shall be certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

PASSED: May 26, 1997.

Fort Loudon State Historic Area

Public Acts of 1977 Chapter 258

SECTION 1. The Tennessee Department of Conservation shall formulate and adopt a system for the proper development, preservation, and administration of all lands belonging to the State of Tennessee known as the site of Fort Loudoun consisting of approximately 11.05 acres of land located in the Second

Civil District of Monroe County, Tennessee, and being the same property referred to in Chapter 127, Public Acts of 1933, which property was conveyed to the State of Tennessee by the National Society of Colonial Dames by deed recorded in W. D. Book 45, p. 174 and from J. C. Anderson and wife Sadie, by deed recorded in W. D. Book 45, p. 176, and by Mrs. Annie C. Hutchinson, by deed recorded in W. D. Book 45, p. 179, and by Bert H. Anderson and others by deed recorded in W. D. Book 70, page 535, all recorded in the Register's Office for Monroe County, at Madisonville, Tennessee. The Commissioner of Conservation shall have authority and the duty to make rules and regulations pursuant to the Tennessee Administrative Procedures Act and to promulgate the same for the management and control of said property so as to preserve it as a perpetual memorial to the officers and men who constituted the Garrison of said Fort Loudoun.

SECTION 2. The Department of Conservation shall have full power and acquire by gift, devise or purchase, areas, properties, lands, or any estate or interest therein, which in the judgement of the department will enhance the public enjoyment of Fort Loudoun and which will further the objective of preserving it as a perpetual memorial. Provided, that such authority of acquisition shall be within the limits of any appropriation which may be made by the General Assembly of the State of Tennessee for the purchase of such properties, and the Department of Conservation shall have no power to purchase or contract for the purchase of any property beyond the amount contained in such appropriation.

SECTION 3. The Department of Conservation is authorized to receive by bequest, gift, or otherwise, money or other personal property for the purpose of this Act, to be held and used under the provisions of Section 2 of this Act.

SECTION 4. In order to advise and assist the Department of Conservation in the preparation of rules and regulations for the effectuation of the purposes and provisions of this Chapter, there is hereby created and established an advisory board to be known as the Fort Loudoun Board of Trustees. Said Board shall consist of nine (9) members, including the Commissioner of Conservation and the President of the Fort Loudoun Association, an association incorporated under the law of Tennessee as a corporation for the general welfare, who shall be ex-officio members of said board, and seven (7) members, four (4) of whom shall be citizens and residents of the Eastern Grand Division of Tennessee, two (2) of whom shall be citizens and residents of the Middle Grand Division of the State, and one (1) of whom shall be a citizen and resident of the Western Grand Division of the State. The said seven (7) members initially appointed shall be appointed by the Governor from a list of fifteen (15) names submitted by the Board of Directors of the Fort Loudoun Association. Two members shall be appointed for a term of one (1) year, two members shall be appointed for a term of two (2) years, two members shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years and thereafter each member shall serve a term of four (4) years and each shall hold office until his successor is duly appointed. Succeeding board members shall be appointed by the Governor from a list of nominations of twice the number to be appointed, submitted by the Fort Loudoun Association. The Commissioner of Conservation shall serve as Chairman of the Board and the president of the Fort Loudoun Association shall serve as secretary to the Board which shall meet at least once annually at a time and place determined by the Board. A quorum shall consist of five (5) members of the Board. The Board members shall be paid those travel expenses reasonable and necessary to attend meetings of the Board. In no event shall such expenses be reimbursed for amounts greater than those set forth in the comprehensive travel regulations as promulgated by the Commissioner of Finance and Administration and approved by the Attorney General and Reporter.

SECTION 5. No admission fee shall be charged for entrance into the park or the site of Fort Loudoun, but fees may be charged for any concessionary services, food services, fishing, boating, or any other activities for which fees are customarily charged in other state parks.

SECTION 6. Chapter 127 of the Public Acts of 1933 is repealed.

SECTION 7. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 3, 1977.

Public Acts of 1979 Chapter 46

WHEREAS, on Friday, July 21, 1978, the people of Monroe County, the 22nd Legislative District, and the State of Tennessee lost a great friend and dedicated public servant in the untimely death in a traffic accident of William C. Watson of Madisonville, then a member of the Tennessee House of Representatives; and

WHEREAS, Representative Watson served five terms as a State Representative, embracing the beginning of the Eighty-sixth General Assembly in 1968 and the concluding of the Ninetieth General Assembly in 1978; and

WHEREAS, Bill Watson rapidly rose to leadership positions in the House of Representatives, serving as Chairman of the Conservation and Environment Committee in his last two terms and having served, over the course of his career, on the General Welfare, State and Local Government, Education, Government Operations, Legislative Council, and Calendar and Rules Committees; and

WHEREAS, he was instrumental in passing legislation strengthening the surface mine laws, creating the Tennessee Wildlife Resources Agency, expanding the Department of Tourism, securing the improvement of local highways, and enacting other measures to improve the economic life and standard of living for all Tennesseans; and

WHEREAS, it is appropriate for this body to recognize the accomplishments of Bill Watson and to provide for a fitting tribute to his memory; now, therefore,

SECTION 1. The Visitors/Interpretive Center to be constructed at the Fort Loudon State Historic Area is hereby named the "William C. Watson Visitors/Interpretive Center".

SECTION 2. The Department of Conservation shall cause an appropriate sign to be erected at such center.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 12, 1979.

Little Tennessee River Port Authority

Private Acts of 1967-68 Chapter 68

COMPILER'S NOTE: The text of the Act repeals "all laws or parts of laws in conflict herewith," and specifies Public Acts of 1965, Chapter 95. However, Public Acts of 1965, Chapter 95 is an insurance law. Therefore, the intent was to repeal Private Acts of 1965, Chapter 95.

SECTION 1. That in order to facilitate transportation in the Counties of Loudon and Monroe in the State of Tennessee, and to promote navigation on the Little Tennessee River and its tributaries, which traverse portions of the said counties; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Loudon and Monroe Counties, Tennessee, a Port Authority, to be known as "The Little Tennessee River Port Authority", "The Port Authority" or "the Port Authority Commissioners", for the purposes of (a) acquiring, constructing, operating, and maintaining ports and navigation terminals on the Little Tennessee River and its tributaries, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Little Tennessee River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining railroad, switchyards, concentration yards, recreation facilities, water sports facilities, food and entertainment facilities, roads and bridges, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

SECTION 2. That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. That the Port Authority shall consist of The Port Authority Commissioners, who shall be six in number, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

SECTION 4. That the said Port Authority Commissioners shall have power, and they are hereby authorized:

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Loudon and Monroe Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and by any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of

commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any to the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of The Little Tennessee River and its tributaries in their operations.

(e) To make contracts and execute instruments containing such covenants, terms and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purposes of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition of improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5. That, except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4 (e) of this Act.

SECTION 6. That The Port Authority "when authorized so to do by a resolution approved by two-thirds of the members of the Quarterly County Court of the county containing such lands, at a regular or special session of said Quarterly Court", is hereby authorized and empowered to condemn on behalf of and in the name of the Counties of Loudon and Monroe in the State of Tennessee, any land, easements, or rights of way in said counties that, in the opinion of the Board of Commissioners are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken by and in the name of the county containing said property, and the property shall thereafter be entrusted to said Authority, as the agent of the county, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of the Tennessee Code Annotated, or as the same may be hereafter amended, or other eminent domain laws of the State of Tennessee that may be hereafter enacted, provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by The Port Authority on behalf of the county taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 7. That the bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the Counties of Loudon and Monroe, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

SECTION 8. That Loudon and Monroe Counties, The Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this Act.

SECTION 9. That neither the Tennessee Public Service Commission nor any other Board or Commission of like character hereafter created shall have jurisdiction over The Port Authority with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees, and charges or otherwise.

SECTION 10. That the Board of Commissioners of The Port Authority shall consist of six members. Three of the six initial members of the Board of Commissioners of The Port Authority shall be elected by a majority vote of the members of each of the County Courts of Loudon and Monroe Counties on the first Monday in July, 1967, or as soon thereafter as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court shall expire the first Monday of July, 1969; the term of office of the second member selected by each respective county court shall expire the first Monday of July, 1971; the term of office of the third member selected by each respective county court shall expire the first Monday of July, 1973.

The successors in office, for each of the respective six initial members of the Board of Commissioners of The Port Authority whose full terms of office have expired, shall be elected by the County Court which originally selected such initial member, as hereinafter provided, for regular terms of office of six years each thereafter, whose respective terms of office shall expire on the first Monday of July of the respective years applicable.

The County Court of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of The Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective County Courts of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Loudon and Monroe Counties not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the County Court, by a two-thirds vote of all the members of said Court, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the County Court originally electing him in the same manner last above provided, except that the names of the three nominees for the office shall be submitted to the Clerks of the County Courts of Loudon and Monroe Counties not less than thirty days prior to the election of said successor by said County Court and such successor Commissioner shall be elected for the unexpired term of the deceased or retiring Commissioner, whose office is vacant.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court may elect him, for a period of at least three years immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Courts of Loudon and Monroe Counties and elected officials of said counties shall not be eligible to serve as members of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said Office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required. Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of his respective county.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall

not affect their power and authority, so long as a quorum remains. Within thirty days after their election as herein provided, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners may, by resolution, determine. Same as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and a Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary- Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as may be authorized by the County Court for the Commissioners from each county, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Courts of Loudon and Monroe Counties. No more than two Commissioners from each county, serving at the same time, shall be members of the same major political party.

SECTION 11. That, except as otherwise herein provided, The Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 12. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of The Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

SECTION 13. That the Counties of Loudon and Monroe in the State of Tennessee, shall have power and authority to issue and sell their bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The Counties of Loudon and Monroe may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds. The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium or payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts of said counties. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as said county courts may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said county courts, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semi-annually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said county courts may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

In case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligations of the Counties of Loudon and Monroe, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the county courts of Loudon and Monroe Counties to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners.

Prior to a vote by the county courts of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts, The Port Authority Commissioners shall prepare and submit to the County Courts of each of the counties of Loudon and Monroe, a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rata amount to be issued by each county, supported by a report on the need for, and projected use of the facilities for the financing of which such bonds issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of each of the Counties of Loudon and Monroe, payable out of their several and separate general income and revenue, or at the election and subject to the determination of The Port Authority Commissioners, may be made payable only out of the revenues from the facilities of The Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said County Courts authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

SECTION 14. That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Courts of Loudon and Monroe Counties shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act:

- (a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest of such bonds.
- (b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.
- (c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.
- (d) To provide for the replacement of lost, destroyed or mutilated bonds.
- (e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (f) To covenant as to the rates and charges for the use of facilities of The Port Authority, and for its services.
- (g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.
- (h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default", and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its conditions upon which such declaration and its consequences may be waived.
- (i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such Trustee or Trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default", and prescribing the terms and conditions upon which such Trustee or Trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

SECTION 15. That any holder or holders of bonds, including Trustee or Trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court authorizing and issuing said bonds, The Port Authority, The Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the County Court authorizing and issuing said bonds, The Port Authority, The Port Authority Commissioners, and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court authorizing and issuing said bonds, The Port Authority, The Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements, and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

SECTION 16. That the County Court, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a Trustee or Trustees, for such holders, the rights, in the event of an "event of default", as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds or Trustee or Trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct. (b) By suit, action or proceedings in any court of competent jurisdiction, to require the county court, as the case may be, authorizing and issuing said bonds, or The Port Authority Commissioners, to act as if they were the Trustees of an express trust.

Any such resolution shall constitute a contract between the county and the holders of bonds of such issue.

SECTION 17. That one-half share of all expenses actually incurred by The Port Authority Commissioners in the making of surveys, estimates of cost and revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bond or the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of each of the counties of Loudon and Monroe, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts of the said counties.

All such payments from the general or other funds shall be considered as temporary, noninterest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

SECTION 18. That the County Courts of Loudon and Monroe Counties are authorized to appropriate to The Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of The Port Authority Board of Commissioners, or expenses or operation of any of the facilities

authorized by this Act, and said County Courts are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to The Port Authority.

SECTION 19. That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of The Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as The Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

SECTION 20. That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

- (1) The payment of all operating expenses of The Port Authority except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.
- (2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.
- (3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as The Port Authority Commissioners may deem necessary or desirable.
- (4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go into the general funds of the said counties, except as may be directed by The Port Authority Commissioners.

SECTION 21. That, except as otherwise herein expressly provided, all contracts of The Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than five hundred dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than one thousand dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or
- (2) Repair parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among business men.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this Section, if no acceptable bid is received, The Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or supplies, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

SECTION 22. That The Port Authority may use any property, right of way, easement or other similar

property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

SECTION 23. That The Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of The Port Authority. The Commissioners may also as the agent of the counties of Loudon and Monroe, sell, transfer, lease, or otherwise dispose of any real property in the custody and control of The Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, or otherwise disposed of only with the approval of the County Court of the county containing such property, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

SECTION 24. That the powers, authority and rights conferred by this Act shall in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

SECTION 25. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part of parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

SECTION 26. That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Little Tennessee River and its tributaries, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Loudon and Monroe encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said counties.

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Loudon and Monroe Counties except that failure to approve this Act by one of the said County Courts within 360 days after enactment of this Act shall not prevent the other said County Court remaining from approving this Act which shall take effect as though written for the county approving it. Its approval or non-approval shall be proclaimed and countersigned by the clerks of each of the County Courts of Loudon and Monroe Counties, and shall be duly certified by them to the Secretary of State of Tennessee. All laws or parts of laws in conflict herewith, and particularly Chapter 218 of the Public Acts of Tennessee of 1963 and Chapter 95 of the Public Acts [sic] of Tennessee of 1965 are hereby repealed, and this Act shall take effect as hereinbefore set out, the public welfare requiring it.

Passed: April 5, 1967.

Purchasing

County Purchasing Agent

Private Acts of 1945 Chapter 451

SECTION 1. That the office of "County Purchasing Agent" is hereby created and established in the various counties of the State having a population of not less than 24,270 nor more than 24,290 by the Federal Census of 1940 or any subsequent Federal Census, the said County Purchasing Agent to be elected by the Quarterly County Courts of such counties at the regular sessions thereof in March, 1945, to serve until September 10, 1945 and thereafter until his successor has been elected and qualified. The successor to such Purchasing Agent shall be elected at the September term of the Quarterly County Courts in such Counties in each odd numbered year to take office on September 10 of such years, and to serve for a term of two years. The compensation of County Purchasing Agents elected hereunder shall be \$150.00 per year payable quarterly and the person elected to the office of County Purchasing Agent may in the discretion of the Quarterly County Court which elected him hold another County office.

SEC. 2. That the County Purchasing Agent is charged with the supervision of the purchasing of and contracting for the purchase of all supplies for the Counties to which this Act applies with the sale and contract for sale of all real and personal property not needed by said County and which the Quarterly County Court or other County Governmental Unit directs to be sold as unsuitable or useless for public use, he shall have charge of such stock rooms and storage spaces as may be provided for him by such Quarterly County Courts in Counties where this Act applies wherein he shall store all materials purchased by him for the County and not delivered directly to the departments for which purchased and he is charged with the duty of inspecting all supplies delivered pursuant to his order to ascertain that the

quality and quantity thereof conforms with the specifications in his purchase order, and no warrant for the payment of such supplies or materials shall be honored by the Trustee of the County unless approved by the County Purchasing Agent.

The County Purchasing Agent shall be required from each County Official and County Department Head requesting the purchase of any supplies which are to be paid for by the public funds of the said County a requisition letter setting forth an itemized description of the quantity and kind of supplies to be purchased and from what County funds the purchase price is to be paid and upon the receipt of such requisition letter the County Purchasing Agent shall purchase such requisitioned items as expeditiously as possible consistent with the public interest, if funds are available for the purchase of such supplies.

The County Purchasing Agent is authorized to purchase and contract to purchase supplies under annual contracts if such supplies are in common use in several County offices or County Governmental Units and material savings can be affected thereby, or, if such items of supplies are in continual use by any one office or Governmental Unit of such Counties and economies can be affected by purchases under an annual contract.

SEC. 3. That before making any purchase on behalf of such Counties in excess of five hundred dollars (\$500.00) or sale for the account of such Counties, the County Purchasing Agent shall give opportunity for competition by advertising such intended purchase for sale for two successive weeks in a newspaper published in the Counties to which this Act applies and in his discretion may insert an advertisement, if for the public interest, in a newspaper published outside of the Counties to which this Act applies.

As amended by: Private Acts of 1974, Chapter 180
Private Acts of 1979, Chapter 19

SEC. 4. That in case of emergency the County Purchasing Agent may make purchase without competitive bidding if sufficient funds are available to cover such purchase and the Governmental Unit or County Official requisitioning such purchase certifies under oath that there is an emergent need for the item requisitioned and that the public interest will suffer if the purchase is delayed to permit advertisement. However, in such cases it should be the duty of the County Purchasing Agent by personal contact to endeavor to obtain competitive bids before contracting the purchase of any emergent item.

SEC. 5. That the provisions of this Act shall not apply to purchases made on behalf of the school system or the highway department of the counties to which this Act applies when such purchases are made with funds set aside for such purposes.

As amended by: Private Acts of 1979, Chapter 19
Private Acts of 1981, Chapter 72

SEC. 6. That the County Purchasing Agent is required to submit a written report itemizing and clarifying the various purchases made by him to each session of the Quarterly County Courts, which report shall set forth in detail the reason for any purchases not made pursuant to competitive bidding. The County Purchasing Agent shall annually inform the Quarterly County Court in writing the probable amount of County funds which will be required to (1) carry out his official duties and functions, and (2) purchase the supplies and equipment which will be purchased through his office.

SEC. 7. That whenever the County Purchasing Agent sells or disposes of any County property, the net purchase price thereof less any incidental expenses of conducting a large sale shall be immediately paid by him to the County Trustee.

SEC. 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

Administration - Historical Notes

County Clerk

The following acts once affected the office of county clerk in Monroe County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 90, authorized John B. Tipton, clerk of the circuit court, and William S. Blair, clerk of the county court, to build a clerk's office at their own expense, upon such part of the public square at Tellico as was designated to them by the county court. Upon death, resignation, or removal from office for any reason, the clerk was entitled to the same privilege of selling or retaining the building as was given to the clerks of Campbell County.
2. Private Acts of 1921, Chapter 275, amended Public Acts of 1919, Chapter 74, a general law regarding license fees of county court clerks, so as to provide a fee to the county court clerk of

Monroe County for recording each and every application made by a person or corporation in the mercantile or other types of business, which required a license to engage in that particular business, according to the laws of the State of Tennessee. The fee of fifty cents was a part of the cost of securing the license.

3. Private Acts of 1927, Chapter 622, gave the county court clerk of Monroe County the sum of \$150 as ex-officio fees of his office which amount was appropriated out of the county treasury on the first Monday in September of each year.

County Mayor

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

1. Private Acts of 1897, Chapter 179, created and regulated the office of county judge for Monroe County. This act was repealed by Private Acts of 1901, Chapter 355.
2. Private Acts of 1901, Chapter 355, abolished the office of county judge in Monroe County and provided for the chairman of the county court to hold the county courts as the same was stipulated for those counties which had no county judge. This act was repealed by Private Acts of 1917, Chapter 222.
3. Private Acts of 1917, Chapter 222, specifically repealed Private Acts of 1901, Chapter 355, above, and amended Private Acts of 1897, Chapter 179, although it apparently had been repealed by Chapter 355, above. This act provided for a county judge, learned in the law, 25 years, or more, of age, who was elected to a two year term by the vote of the people. The election occurred at the same time other county officials were elected in the general August election of 1918, and every two years thereafter. The judge herein enjoyed all the powers and privileges of other county judges. The post of county chairman was abolished and the county judge assumed and discharged the chairman's duties. The annual salary of the judge was set at \$800, payable quarterly, and the present chairman of the county court remained in office until his term expired. This act was amended by Private Acts of 1927, Chapter 201, so as to increase the annual salary of the county judge from \$800 to \$1,200 and by making the salary payable in monthly installments of \$100 instead of quarterly as provided under the amended act.
4. Private Acts of 1919, Chapter 417, provided that the Monroe County Judge was to receive \$400 annually as compensation for being the financial agent of the county and the accounting officer.
5. Private Acts of 1933, Chapter 94, expressly repealed Private Acts of 1897, Chapter 179, as amended by Private Acts of 1917, Chapter 222, and restored and reestablished the position of county chairman in Monroe County who had and exercised all the rights, duties, powers and jurisdiction of the county judge and the county chairman. This act became effective on September 1, 1934. The county court clerk was directed under this act to call the quarterly court into session to select a chairman to serve until January 1, 1935, at which time a chairman was chosen who served for one year. The chairman presided over the county court and was paid as the court directed.
6. Private Acts of 1935, Chapter 233, set the compensation of the chairman of the county court of Monroe County at \$100 per calendar month, payable on the first day of each month on warrant drawn in the county treasury.
7. Private Acts of 1935, Chapter 249, as amended by Private Acts of 1953, Chapter 518, provided for the election of the county judge for a term of eight years beginning the first Monday of September, 1936 with compensation of \$3,000 a year. The office of chairman of the county court was abolished.
8. Private Acts of 1939, Chapter 421, authorized and empowered the county judge to hire clerical assistants for his office at a salary of \$50 per month..

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Monroe County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1819, Chapter 160, set the time for holding the Monroe County Court on the second Mondays of March, June, September and December.
2. Private Acts of 1820, Chapter 114, allowed the justices of the peace of Monroe County to adjourn the court of pleas and quarter sessions to any other house in the county from the residence of William Dixon if they desired to do so.

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

County Register

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

1. Private Acts of 1831, Chapter 162, stated that all deeds of conveyance and other instruments in writing heretofore registered in the counties of Monroe, Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, McMinn, Morgan, Roane and Sullivan, although the certificate might not recite thereby that they were acknowledged by the grantor, or proved by subscribing witnesses, the same were to be as good and valid as if they have been so witnessed.
2. Private Acts of 1935, Chapter 203, authorized the register of deeds of Monroe County to employ a clerk or deputy register at a salary which did not exceed \$50.00 per month, payable out of the general county funds. This act was repealed by Private Acts of 1937, Chapter 636.
3. Private Acts of 1937, Chapter 637, authorized the register of deeds in Monroe County to make a monthly report of all realty transfers that were made in fee simple to the Monroe County Tax Assessor. This act provided the form of said report; receipt; compensation to register for making reports and designated funds from which said compensation was made. This act was repealed by Private Acts of 1953, Chapter 517.
4. Private Acts of 1939, Chapter 419, applied to each county in the state having a population of not less than 21,370 nor more than 21,380 by the Federal Census of 1930, authorized the register of deeds to employ a deputy or clerk to assist him in the performance of his duties at a compensation of \$50 per month.

Little Tennessee River Port Authority

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

1. Public Acts of 1963, Chapter 218, created and established in Monroe and Loudon counties a port authority. The port authority authorized the construction, acquisition, ownership, maintenance

and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreation facilities in Monroe and Loudon counties. Many specific grants of power were made to the board of six members, including the authority to issue bonds of both a general obligation and revenue nature. Appropriations were also made to the authority from the general funds of the counties. This act was repealed by Private Acts of 1965, Chapter 95.

2. Private Acts of 1965, Chapter 95, created the Little Tennessee River Port Authority for Loudon and Monroe counties, designed to facilitate the movement of people and goods, with grants of specific powers and authority, all actions of which were declared to be public and governmental functions. There was a six member board of commissioners whose authority was specifically outlined in nine separate paragraphs, who had full control of all port facilities. Several sections of the act were devoted to further stipulations of authority and the conditions under which they could be exercised. The county courts of the two counties elected three of the six commissioners for specified terms and filled vacancies as they might occur in their ranks. The board was allowed to employ engineers, attorneys and other skilled personnel. Bonds, both general obligation and revenue, could be issued if the conditions prescribed in the act were met. The uses, and their priorities, to which the revenue of the port authority could be devoted were enumerated generally in the act. This act was repealed by Private Acts of 1967-68, Chapter 68.

Purchasing

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

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

General Reference

The following private or local acts constitute part of the administrative and political history of Monroe County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1823, Chapter 50, Section 3, directed the president and directors of the bank of Tennessee to appoint an agent and to establish a branch of the bank in the counties of Monroe, McMinn, Madison, Wayne, Hardin, Henderson, Carroll and Henry.
2. Private Acts of 1825, Chapter 278, instructed the entry taker of the Hiwassee District to make an entry in the name of and for the benefit of Lydia Curtis, of Monroe County, to the northwest quarter section of Section 18, third fractional township, third range east of the meridian. If this area were taken, the said Lydia Curtis could enter upon another section at 1 ½ cents per acre.
3. Private Acts of 1827, Chapter 227, provided that Jeremiah Lilliard, of Monroe County, be allowed to file a petition to divorce his wife Sarah.
4. Private Acts of 1827, Chapter 244, was legislation which permitted the county court of Monroe County to authorize the payment, or cause to be paid, out of the money derived from the sale of public lots, or other properties belonging to the town of Tellico, to Charles Kelso, Jones Griffin and Jesse Milton, the sum each one paid to counsel, as the commissioners of the said town, to defend an injunctive suit against them as commissioners, provided each one filed a sworn statement with the details of the transactions involving them in this respect.
5. Private Acts of 1829-30, Chapter 68, directed the register of the Hiwassee District to issue to Samuel Wilson, of Monroe County, a grant to 50 acres of land owned and claimed by him as an assignee of a certificate issued by the treasurer of East Tennessee, the same being a part of the northwest quarter of Section 25 of Township #2, provided, however, that Wilson first produce a receipt showing payment had been made for the said land.
6. Private Acts of 1829-30, Chapter 245, named James M. Greenway, James Vaughn and Christopher H. McGinnis as commissioners to settle with the board of commissioners of the county seat of Monroe County. The commissioners were given the authority to issue subpoenas to have the former commissioners appear before them to make a settlement if the need arose. The former commissioners were required to submit a detailed statement under oath of the receipts and disbursements made during their tenure of office, and, if these were insufficient to complete the building of the courthouse, the county could levy a tax on the property of the county to produce the funds to complete the same. The commissioners named herein were paid as the county court directed.

7. Private Acts of 1829-30, Chapter 297, changed the name of the county seat of Monroe County from Tellico to Madisonville and all writs of process, records and other legal proceedings were made to conform to the above change.
8. Private Acts of 1831, Chapter 36, allowed the privileges of feme sole to Sally Martin of Monroe County.
9. Private Acts of 1831, Chapter 99, provided for the appointment of a county surveyor for Monroe County.
10. Private Acts of 1831, Chapter 107, provided that the bail of Hiram M. Murray be released in the Monroe County Circuit Court.
11. Private Acts of 1831, Chapter 256, was the legal authority for the commissioners appointed under Private Acts of 1829-30, Chapter 245, to file a bill against the board of commissioners of the county seat of Monroe County in the circuit court, and against their predecessors, for them to account for the receipts and disbursements of the funds derived from the sale of public properties therein, and expended for the use and benefit of the town.
12. Private Acts of 1831, Chapter 232, provided that the treasurer of East Tennessee pay Leonard Cardin \$12.00, the amount of costs awarded to him in a suit determined in the Monroe County Circuit Court.
13. Private Acts of 1833, Chapter 7, provided for the divorce of Cynthia Barton, of Monroe County, from her husband Anderson Barton.
14. Private Acts of 1833, Chapter 8, recited in the preamble that the courthouse in Madisonville in Monroe County had been severely damaged by fire in 1833 and many records were destroyed. Further recitation indicated that the citizens of the county who had purchased bounded land from the Hiwassee land sales were embarrassed by a lack of money, and the tax levied to rebuild the courthouse was oppressive to them. This act remitted to the county the state taxes collected, or levied for the years 1833 and 1834 in order to restore the courthouse. The state paid over the tax money to the commissioners appointed to supervise the restoration of the courthouse.
15. Private Acts of 1833, Chapter 168, authorized Jackson Vernon to hawk and peddle goods, wares and merchandise in the counties of Monroe, Rhea and McMinn without having to obtain a license to do so.
16. Private Acts of 1833, Chapter 248, provided for the divorce of Flors M. Todd from Charles W. Todd, of Monroe County.
17. Private Acts of 1833, Chapter 274, instructed the register of the Hiwassee District to issue a grant of land to Joshua Wimpy for the northeast quarter of Section 16, of Township #1, range three in Monroe County at any time the said Wimpy presented to the register the title bond and the receipt for the payment of the land from the estate of Samuel D. Bonham, deceased.
18. Private Acts of 1833, Chapter 279, provided for perpetuating the substance of records and papers destroyed by fire in the office of the Monroe County Clerk.
19. Private Acts of 1833, Chapter 291, provided that the register for the Hiwassee District issue John M'Gee, of Monroe County, a grant for 640 acres of land in McMinn County.
20. Private Acts 1833, Chapter 297, designated John M. Greenway, William M. Stakely, John O. Cannon, William Grant and John F. Henderson, all of Monroe County, as commissioners charged with the responsibility to supervise the construction of a courthouse in Madisonville. The commissioners were sworn and bonded, were empowered to receive gifts and subscriptions, and contracted with the accepted bidders on the work of rebuilding the courthouse.
21. Private Acts of 1835-36, Chapter 86, provided that the treasurer of the Hiwassee District pay John Calloway, of Monroe County, \$81.25 because of an entry mistake for the southwest quarter of section twelve, township second, range first east of the meridian in Monroe County.
22. Public Acts of 1835-36, Chapter 60, provided for the recovery of debts due upon judgements destroyed by fire in the Monroe County Courthouse in 1832.
23. Acts of 1837-38, Chapter 79, was the legal authority for the respective county courts of Monroe, Meigs and McMinn counties to appoint a surveyor under the same rules as were prescribed for the appointment of surveyors north and east of the congressional reservation line and north of the Tennessee River.
24. Acts of 1837-38, Chapter 267, Section 2, declared that the Tellico River in Monroe County was navigable from its mouth to the Tellico Iron Works.
25. Acts of 1849-50, Chapter 157, Section 4, directed the county court of Monroe County, upon the

- application of Allen D. Gentry, who had erected a mill dam across the Tellico River, to appoint three competent people to examine the chute placed in the same dam under a contract by Gentry with the commissioners over the Tellico River, and to report on the condition of the same chute and whether or not it obstructed the navigation of the river.
26. Acts of 1853-54, Chapter 95, set aside the sum of \$3,000.00 as a school fund for the use and benefit of the township composed of the seventeenth civil districts in the counties of Monroe and Blount.
 27. Acts of 1855-56, Chapter 218, Section 19, was legislation which enabled the counties of Monroe and McMinn, to purchase stock and to issue bonds to pay for the same, in railroad companies, but their actions were subjected to the same regulations applied to other counties which already had the power to invest in railroad companies.
 28. Public Acts of 1865-66, Chapter 19, Section 16, changed the county seat of Monroe County from Madisonville to a place known as Kimbroughs which was about four miles distant from the present county seat. Section 17 of the same act made the change conditional upon approval by the people in an election held for that purpose. This act was amended by Private Acts of 1865-66, Chapter 129, so as to move the county seat from Kimbrough's, to the mouth of Can Creek, and also changed the election date from June to September, repealing all conflicts in the process.
 29. Private Acts of 1865-66, Chapter 129, provided that Monroe and Cocke counties hold their circuit, chancery and county courts at their present sites until new buildings were built.
 30. Private Acts of 1915, Chapter 243, amended Public Acts of 1913, Chapter 26, a general enabling act which authorized counties to issue bonds for highway purposes, so as to allow the county court of Monroe County to authorize an indebtedness of the county of 15%, provided the same were approved in a referendum vote. The chairman of the county court had the power to call an election for that purpose and the 15% related to the total value of the taxable property in the county.
 31. Private Acts of 1917, Chapter 414, amended Public Acts of 1915, Chapter 101, a general revenue law for counties and municipalities, by striking out the figures "30" in the fifth line of Section 2, and inserting the figures "50" instead, and by inserting the population figures to make the public act applicable to Monroe County. The public law was a revenue act establishing privilege taxes for certain occupations and was codified under Section 5-802, Tennessee Code Annotated.
 32. Private Acts of 1921, Chapter 223, created the position of county auditor in Monroe County who was elected by the quarterly court for a four year term and was paid \$6,000.00 annually in equal monthly installments out of the regular county funds. The auditor was required to be qualified and competent to perform the duties imposed upon him by this act, as well as those normally related thereto, and he had to be sworn to the office before taking up his duties, one of which was to audit the major departments of the government and the offices of the justices of the peace and render quarterly reports to the court calling their attention to any violations or irregularities. The auditor was further obligated to investigate any segment of the government as the court might direct. The auditor could appoint an assistant but had to pay the assistant's salary himself. Private Acts of 1923, Chapter 313, recited in its preamble that Private Acts of 1921, Chapter 223, set the salary of the county auditor at \$6,000.00 per year which was obviously a typographical error and intended to be \$600.00 annually. Since the auditor has only been paid at the rate of \$600.00 per year, this act amended the 1921 act to correct the error. Private Acts of 1921, Chapter 223 and Private Acts of 1923, Chapter 313, were both repealed by Private Acts of 1945, Chapter 203.
 33. Private Acts of 1921, Chapter 665, refunded to Annie Calloway Hutchinson, executrix of the estate of H. G. Hutchinson of Monroe County, \$422.50 excessive inheritance taxes collected by the county court clerk of Monroe County on said estate.
 34. Private Acts of 1923, Chapter 627, amended Public Acts of 1913, Chapter 3, a general state law on county surveyors, by setting the compensation of the surveyor in Monroe County at \$7.50 per day from the time of leaving home and which included the actual time consumed in calculating the area of the land included in such surveys.
 35. Public Acts of 1933, Chapter 127, was an act which conditionally conveyed to the board of trustees of the Fort Loudon Association 5.62 acres of land which was conveyed to the state by J. C. Anderson, Esquire, Mrs. Anne Hutchison and The National Society of Colonial Dames which composed the site of Fort Loudon in Monroe County. This act provided for the restoration of Fort Loudon by the Fort Loudon Association. This act was repealed by Public Acts of 1977, Chapter 258.
 36. Private Acts of 1937, Chapter 47, removed the disability of infancy of Georgia Williams Jones and

gave her full contract, property and all other rights of a person 21 years of age.

37. Public Acts of 1965, Chapter 79, created and established the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in the Cherokee National Forest and adjacent areas lying in Monroe, McMinn and Polk counties. The act provided the commission with the power and authority to act in liaison with all branches, departments and agencies of the federal, state and local governments in the planning and promotion of the recreational development of said region. This act expired on June 30, 1985 in accordance with Section 8 of Public Acts of 1977, Chapter 452.

Chapter II - Animals and Fish

Fishing Regulations

Private Acts of 1955 Chapter 189

SECTION 1. That it shall be lawful for any residents of Monroe County to take rough fish as they are defined in the general fish and game laws, from the water of the streams of said County by the means of a gig. Provided, however, that this Act shall not apply to any areas within said County that are owned and controlled by the United States Government.

SECTION 2. That nothing herein shall authorize fishing in the streams of said County without the necessity of a license from the State Fish and Game Department of the type issued to individuals.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 3, 1955.

Red Foxes

Private Acts of 1955 Chapter 190

SECTION 1. That there shall be a closed season upon red foxes at all times, but that red foxes may be chased with dogs at any time of the year, except as during such periods as may be fixed by the Game and Fish Commission for the protection of the species, in all counties of this State having a population of not less than 24,511 and not more than 24,515, inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open the same for such a period of time as they deem necessary and advisable.

SECTION 2. That it shall be unlawful to kill or trap red foxes in such counties and at any time during the year, except in any such period of time that an open season may be declared by the Game and Fish Commission. Any person violating this Act shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not less than twenty-five (\$25.00) Dollars nor more than fifty (\$50.00) Dollars.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it applies on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

SECTION 4. That all laws or parts of laws in conflict with this Act, be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1955.

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

1. Public Acts of 1877, Chapter 25, made it unlawful to take and catch fish with seines, nets, traps, gigs, or by any other means than hook and line, and by trot line. Anyone whose lands were trespassed for these purposes could maintain injunctive relief or proceed by suit at law for a remedy. It was further unlawful to place the seine, net, or trap, at or near the mouth of a stream which device would prevent the free passage of fish up and down the same. The terms of this act were applicable only in the counties of Monroe, Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Hawkins, Henry and Crockett.
2. Public Acts of 1891, Chapter 13, amended Public Acts of 1889, Chapter 171, Section 2, a general game and fish law, so as to strike out a portion of that section which permitted the hunting of quail and partridges in the counties of Monroe and McMinn.
3. Public Acts of 1899, Chapter 97, amended Public Acts of 1895, Chapter 127, a general state law regulating fishing, so as to allow persons in Monroe County to fish with bait baskets in connection with rod and reel, or trot line, provided the slats of the basket were not less than 1 ½" apart.
4. Private Acts of 1901, Chapter 337, declared it to be unlawful to hunt deer with dogs in the counties of Monroe, Blount and Polk for a period of five years following the passage of this act. Fines for violators ranged from \$5.00 to \$25.00.
5. Acts of 1905, Chapter 515, amended Acts of 1903, Chapter 169, the general game law, so as to provide that squirrels may be caught and killed in Monroe County between June 1 and March 1.
6. Acts of 1907, Chapter 185, amended Acts of 1903, Chapter 169, the general game law, so as to allow squirrels to be killed between June 1 to March 1 in Monroe County.
7. Acts of 1909, Chapter 187, declared it to be unlawful for livestock of any kind to run at large in the counties of Monroe and Jefferson. Any person who knowingly allowed the same to happen was guilty of a misdemeanor and could be fined from \$2.00 to \$10.00 for each offense. Any damages inflicted were a lien on the invading livestock as well, which could be taken up and cared for by the person injured and the cost of that added to the lien for damages.
8. Private Acts of 1911, Chapter 102, prevented livestock from running at large in Monroe County and also created a range district in said county. This act was amended by Private Acts of 1929, Chapter 448, so as to exclude the eighteenth civil district from the fifth school district which constituted a range district.
9. Private Acts of 1917, Chapter 143, amended Private Acts of 1915, Chapter 289, an act which prohibited the killing of quail in McMinn and Blount counties, so that the provisions applied to Monroe County. Chapter 143 made it unlawful for any person to shoot, trap, or otherwise kill or destroy quail for a period of two years after December 1, 1915, after which it was against the law to kill quail at any time except from December 15 to January 1 of each year in Monroe County. Offenders could be fined from \$5.00 to \$25.00 for each offense.
10. Private Acts of 1917, Chapter 169, made it lawful to gig fish in any and all the streams of Monroe County and Polk County, provided the same be done only to obtain fish for home consumption, and that all other laws and regulations were observed. Anyone failing to comply with this act was subjected to the penalties provided under the general game and fish laws of the state.
11. Private Acts of 1921, Chapter 405, was an act by which virtually every county in the state, including Monroe, exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a general dog law for the state.
12. Private Acts of 1921, Chapter 595, rendered it illegal for any person in Monroe County to shoot any fox or to destroy the den of any young fox, or, by means of any snare, trap, or other device, catch, maim, or otherwise destroy or injure any fox. The terms of this act did not prohibit the setting of traps and snares about one's dwelling place, barn, or out-houses, connected with and reasonably adjacent to the home, nor did it prevent the killing of any such animal which constituted a menace to crops or to domestic poultry. Fines for violations ran from \$25.00 to \$100.00 for each offense.
13. Private Acts of 1927, Chapter 409, declared it to be unlawful and a misdemeanor for any person to kill, trap, catch, or in any way, take quail or partridges for a period of three years following the passage of this act in Monroe County. The fines for non-compliance herewith went from \$5.00 to \$10.00 for each offense.
14. Private Acts of 1933, Chapter 467, amended Public Acts of 1917, Chapter 131, the general law

which created the Appalachian Fish and Game Preserve in the counties of Monroe, Sevier, Blount and Polk, by deleting the words "At Tellico Plains" and inserting the words "in Monroe County" in their place. This amendment allowed the deputy warden for Monroe County to be stationed anywhere in the county rather than at Tellico Plains alone. Public Acts of 1917, Chapter 131, was superseded by Public Acts of 1951, Chapter 115, which provided for a comprehensive game and fish law for the state.gne

Chapter III - Bond Issues

Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Monroe County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

Bridges

1. Private Acts of 1919, Chapter 528, authorized the counties of Monroe, Loudon and Knox, when it became necessary to build bridges across any river or stream in their counties so as to connect state highways, to issue interest bearing warrants, or bonds, to the extent of \$1 in bonds for every \$100 of property in the counties which matured no later than 20 years from the date of the issue. All warrants or bonds were considered as valid obligations and claims against the county issuing them.
2. Private Acts of 1925, Chapter 730, allowed the quarterly court of Monroe County to issue interest bearing county warrants up to \$100,000 to be used in the construction of bridges and their approaches in the county which matured at the rate of \$5,000 annually after two years from issue. Interest rates did not exceed 6% and the notes were payable at such places as the court determined. One place mentioned for a bridge was across the Little Tennessee River. A committee of three free-holders were elected by the court to supervise the sale of the bonds and the construction of the bridge. Tolls to be charged for use of the bridge were set up by the quarterly court. The levy of a tax to assist in amortizing the notes was also allowed.

Debts

1. Public Acts of 1866-67, Chapter 41, Section 6, was the legal power for the county court of Hawkins County, by a two-thirds vote of the court, to issue coupon bonds drawn on the county to pay off the indebtedness of the county. None of the funds produced were allowed to be used to pay any debt incurred in aid of the Confederacy during the Civil War. Section 6, extended the benefits of this act to Monroe, Greene, White, Franklin, Dyer and Smith counties.
2. Private Acts of 1927, Chapter 616, authorized the quarterly county court of Monroe County to issue and sell coupon bonds in an amount which did not exceed \$50,000 to pay off the indebtedness of said county which consisted of all outstanding warrants, judgments and all other indebtedness. The act also provided a sinking fund for the payment of the principal and interest of said bonds.
3. Private Acts of 1931, Chapter 390, was the enabling legislation for the quarterly court of Monroe County, a majority of the justices being present, to issue up to \$75,000 in 5%, or less, bonds, which matured from ten to twenty years after issue, to be used to pay off the outstanding floating debts of the county as they were represented by warrants, notes and judgments. These bonds were general obligation bonds for which a tax levy was made.
4. Private Acts of 1939, Chapter 520, authorized Monroe County to issue and sell interestbearing coupon bonds in the principal sum of \$100,000 for the purpose of paying off the outstanding indebtedness of the county and provided for the levy of a special tax to pay said bonds and the interest thereon.
5. Private Acts of 1941, Chapter 158, ratified, confirmed and validated all the prior actions of the Monroe County Quarterly Court taken in connection with the issue of \$80,000 in refunding bonds at an interest rate of two and three-quarters percent and payable semiannually through 1956. These bonds were declared to be the general and uncontestable obligations of the county for which a special tax levy was added to the sinking fund each year until the bonds were paid.
6. Private Acts of 1943, Chapter 189, validated \$75,000 in funding bonds for Monroe County, the indebtedness which was funded thereby, and the proceedings of the quarterly county court and other officers of said county in connection therewith.

Roads

1. Private Acts of 1901, Chapter 429, was the legal authority for the quarterly court of Monroe County, a majority of the justices being present, to issue up to \$100,000 in bonds, at an interest rate of 5%, or less, and to mature from 25 years to 30 years after date of issue to build the ten pike roads named and specified in the act. The court appointed three commissioners to organize and supervise the program who had the right to employ engineers and other professionals to assist them in indexing and classifying the roads in the county and to provide other needed technical assistance. The commission was required to write reports, maps, charts, prepare specifications and cost estimates and file all with the quarterly court who were required to vote on each separate item. This act was repealed by Acts of 1903, Chapter 90.
2. Acts of 1909, Chapter 82, was the legislative sanction for the quarterly court of Monroe County to hold a referendum election on the question of issuing \$100,000 in bonds to be used to locate, build and improve pike roads. If approved by the people, the court would then proceed to issue the bonds observing all the detailed requirements of the act. A tax levy was required to amortize the bonds over the scheduled maturity period of the bonds which the trustee was obligated to collect and attend to otherwise. The county judge appointed three pike commissioners to supervise the program, exercise all the powers granted in the act and submit periodic reports to the court on the status of the program. A list of 18 sections of roads were set up in the act on which the bond funds were proposed to be spent.
3. Private Act of 1911, Chapter 484, authorized the county court of Monroe County to issue and sell and provide for the payment of county bonds for the purpose of locating, building and improving certain public or pike roads in said county. This act was amended by Private Acts of 1913, Chapter 84, by adding to Section 7, the provision that \$5,000 of the money could be expended within the corporate limits of Sweetwater under the supervision of the pike road commission and \$5,000 be spent within the city limits of Tellico Plains under the supervision of the mayor and aldermen. Private Acts of 1913, Chapter 305, further amended Private Acts of 1911, Chapter 484, by adding to Subsection 15, Section 7, a provision that the road commissioners construct the said road from Tellico Plains to Ball Play by way of Belltown if the route was considered by them to be more practical and desirable. Section 18 was changed to read "from Vonore to the proposed bridge near Dawson's Springs and thence up the Tennessee River to within one mile of the Citico Creek, a distance of about nine miles."
4. Private Acts of 1917, Chapter 660, allowed the quarterly court of Monroe County to call an election on the question of issuing \$30,000 in bonds which were used exclusively by the pike road commissioners to lay out, grade and rock two sets of roads which were enumerated in the act, \$15,000 were spent on each group. The details of the issue conformed to and coincided with Private Acts of 1911, Chapter 484, above, except that the maturity limit on these bonds could go up to 25 years. All the duties and obligations imposed in Private Acts of 1911, Chapter 484, were carried over into this act.
5. Private Acts of 1919, Chapter 107, authorized the pike road commissioners of Monroe County to carry out an order made by the county court at its July, 1917, term which instructed said commissioners to abandon the road from Ballards to Christianburg and grade a road from McSpadden's farm on the Athen road to Christianburg.
6. Private Acts of 1919, Chapter 119, gave the Monroe County Quarterly Court, a majority of the justices being present, the authority to issue up to \$30,000 in bonds, at an interest rate not to exceed 6%, and on a maturity schedule no longer than 12 years, to lay out, improve, grade and macadamize the two roads described in the act, running from Madisonville to Pavo, about 12 miles, and from Sloan's store on the Ball Play Road to Tom White's place on the Niles Ferry Road. The act named G. L. Henderson, Jr., W. W. Carson, and G. M. Cagle as commissioners to carry out the terms and provisions of this act. The commission was required to keep proper records and submit reports on the status of the projects. The roads were to meet the standards established in the act. The commissioners were paid \$60 annually.
7. Private Acts of 1919, Chapter 125, was the legislative authority of the quarterly court of Monroe County to issue up to \$7,500 in bonds, or to otherwise appropriate money to build a well graded road from the old John Rutherford farm in the eighth civil district running northwest through the lands of the individuals and the cities mentioned for a distance of six and one-half miles.
8. Private Acts of 1919, Chapter 158, permitted the quarterly court to issue bonds, or county warrants, to grade a road beginning on the Madisonville and Tellico Road about four miles south of Madisonville, following the old Federal Road to Wilson's Station on the Athens - Tellico Road. If bonds were issued they were payable at such times and places as the quarterly court determined.

9. Private Acts of 1921, Chapter 51, authorized Monroe County to issue up to \$18,000 in bonds, to mature no later than 20 years from date of issue, to lay out, improve and grade a road beginning about two miles south of Tellico Plains and running to the old nineteenth civil district line by way of the bridge at Conasauga Creek, Holly Springs schoolhouse, and intersecting with the old Athens and Murphy Road. G. W. Williamson, Tom Crow and W. W. Williamson were appointed as commissioners who, after being sworn and bonded, supervised the program within the guidelines provided in the act, and existing laws, which included the exercise of eminent domain, the solicitation of bids and award of contracts. The commissioners were paid \$50 each a year. The road specified herein was to be completed within three years from the date of this act at which time the authority granted to the commission ceased and supervision of the road came under the road department.
10. Private Acts of 1921, Chapter 68, authorized Monroe County to issue up to \$10,000 in bonds, payable at such times and places as the quarterly court should decide, which were used to grade the road beginning at or near the Oak Grove Baptist Church on the Madisonville- Morganton Road so as to connect with the Sweetwater-Vonore Pike, at or near the Burton Place, by way of Acorn Gap and across the bridge over Bat Creek near Henly Bridge.
11. Private Acts of 1921, Chapter 90, authorized Monroe County to issue bonds up to \$1500, at 6%, or less, interest, maturing as the court decided, the proceeds of which were spent to grade and improve a road from the old Cross Roads in the old eighth civil district, near the Newkirk Place to and intersecting the Tellico Plains - Coker Creek Road near the Unicoi Church in the old fourteenth civil district, a distance of one and three-quarters miles.
12. Private Acts of 1921, Chapter 220, enabled the quarterly court of Monroe County to issue up to \$7,000 in bonds to upgrade, or build, the road running through the lands of Luther Harris, Georgia Stakely, Charlie Harris, John Daily, John Toony, Tom Moses, Walter Smith, Hugh Toony, John Avens, Andy Moses, O. G. Moses, John Saffles, Berry Belcher and Ike Isbell, a distance of about seven miles. The court could appoint a commission if it desired.
13. Private Acts of 1921, Chapter 221, authorized Monroe County to issue bonds of up to \$12,000 by the quarterly court, to be spent on building three roads as they were described in the act, one being the Jalapa and Ivy Road. The act named W. E. Lee, W. M. Hamby and Wiley Gay as commissioners who supervised the program.
14. Private Acts of 1921, Chapter 222, authorized the quarterly court of Monroe County to issue up to \$50,000 in bonds to macadamize the road leading from Madisonville to Ball Play by way of Hensley's Store.
15. Private Acts of 1921, Chapter 232, authorized Monroe County to issue bonds up to \$4,500 by the quarterly court to build a road starting at the home of D. C. Smith in the eighteenth civil district near where the bridge crosses Conasauga Creek to the J. A. Tate property and store intersecting with the Dry Creek and Mecca Road, a distance of about eight miles. Dave Smith, James Cale and W. W. Williams were named commissioners of this program.
16. Private Acts of 1921, Chapter 233, authorized Monroe County to issue \$45,000 in bonds on a maturity schedule not to exceed 24 years. The purpose of the bonds were to lay out, improve, grade and macadamize two roads which were described in the act, one running from Hensley's Store in the thirteenth civil district to R. H. Stephens on Ball Play Road, and the other starting at Lou Hunt's crossing on Madisonville - Tellico Pike to a point near the Fairview schoolhouse, a distance of about two miles. The act appointed W. C. Irlus, Charlie Dye and R. T. Ghormley as commissioners.
17. Private Acts of 1921, Chapter 279, authorized the quarterly court of Monroe County to issue up to \$6,500 in bonds, at an interest rate not to exceed 6%, and to mature no longer than 30 years from the date of issue, to build a well graded road in the old ninth civil district which started at the old abandoned right of way of the L. & N. Railroad on the Tom Roger's farm on Island Creek, running west by way of Walnut Grove Methodist Church to the Oak Grove Baptist Church on the Madisonville-Morganton graded road.
18. Private Acts of 1921, Chapter 287, allowed the Monroe County Quarterly Court, a majority of the justices being present, to issue up to \$100,000 in bonds to lay out, improve, grade and macadamize the road from Walter Millsap's store to Colderwood, a distance of about 20 miles and to macadamize the road from Mayme Sue McGee's place to Colderwood, a distance of about 22 miles. The act named Jake Sheets, Joseph A. Razor and Ples Henry, as commissioners, who were paid \$60 a year for three years, and who operated under the administrative restrictions established in the act to accomplish the program objectives.
19. Private Acts of 1921, Chapter 475, authorized the quarterly court of Monroe County to issue up to

\$35,000, or any part thereof, in bonds, at an interest rate no more than 6%, and to levy a tax for the sinking fund to amortize the said bonds over the maturity schedule established by the court, the proceeds of which were used to macadamize or gravel the Christianburg Road from the intersection of the Sweetwater and Madisonville and Athens Pike. Also included was another road running from the Eastonville Valley to the McMinn County line. The court could appoint commissioners for both crossroads if they desired it.

20. Private Acts of 1921, Chapter 492, stated that, subject to the approval of the people in a referendum election on the second Thursday in May, 1921, Monroe County, acting through the county judge, the county court clerk and the Good Roads Commission, could issue up to \$765,000 in bonds, at an interest rate of no more than 6%, and to mature no later than 40 years from the issue date, in accordance with the requirements detailed in this act. The act appointed Lee R. Sloan, Dr. E. J. Fonte and J. R. Cardin as commissioners, giving them the power to execute all actions essential to the accomplishment of the road program itemized in this law which consisted of 28 segments of roads and the amount to be spent on each. The commissioners, whose terms lasted until the completion of the program, were paid \$5 for each day devoted to their duties. The commissioners were required to keep an office open for business in the courthouse and to solicit bids and award contracts within the limitation prescribed in the act.
21. Private Acts of 1921, Chapter 835, authorized Monroe County to issue \$7,000 in bonds, which matured no longer than 20 years after the issue date, to lay out, improve, grade and macadamize a road in Monroe County starting at or near Moody's Mill on the Pavo graded road and running southeast past the property of G. G. Webb and continuing to the ball play graded road at or near the property of J. T. Curtis, a distance of about three miles. H. L. Denton, J. T. Curtis and G. G. Webb were named commissioners to exercise the powers granted to them to complete the program set out herein.
22. Private Acts of 1927, Chapter 347, subject to approval by the people in a referendum election, would allow the quarterly court to issue no more than \$170,000 in bonds at an interest rate up to 6%, and to mature no later than 40 years, but at such intervals of time as the county judge, the county court clerk and the Good Roads Commission might agree upon. The details of the bond forms and the bond issue were contained in the act. The court elected three good road commissioners who were in overall control of the program, who hired an engineer to assist them, who acquired rights of way by purchase, or condemnation, who solicited bids and awarded contracts where proper and who hired a clerk for record keeping chores. The commissioners were to be paid \$5 per day for their services. Six roads to be improved and the amount to be spent on each one were listed in the act. This act was amended by Private Acts of 1929, Chapter 253, which added a provision that a trustee coming into the office before all the proceeds of these bonds were expended would be allowed a commission of 1% only upon the money coming into his hands and that had not come from the bond funds, but from the general funds of the county.
23. Private Acts of 1947, Chapter 165, authorized Monroe County to issue and sell \$125,000 in road bonds. This act provided for the use of the proceeds thereof and for the levy of taxes to pay the principal and interest on said bonds and validated the original indebtedness authorized to be paid from the proceeds of said bonds.

Schools

1. Private Acts of 1921, Chapter 431, allowed the Monroe County Quarterly Court to issue no more than \$200,000 in bonds, at an interest rate up to 6%, and to mature in blocks of \$50,000 after 15, 20, 25 and 30 years, the proceeds of which were used to purchase, build and remodel school houses and to build additions thereto, if needed. All details were present, a tax levy was mandated for the sinking fund, donations could be accepted and used, and the trustee handled the money at no extra compensation. Conditions were laid down for the consolidation of schools over which programs the county school board would preside.
2. Private Acts of 1927, Chapter 73, approved and made lawful a resolution and order of the quarterly county court of Monroe County to provide ways and means to purchase suitable grounds for the building and equipping of a county high school in the Town of Sweetwater. The act provided for a tax levy to provide further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution and order.
3. Private Acts of 1929, Chapter 926, permitted the quarterly court of Monroe County to issue up to \$90,000 in 6%, 40 year, bonds, \$15,000 of which was used to improve and equip a building at Vonore, and \$75,000 was devoted to the erection and equipment of a school building in or near Tellico Plains. The act appointed R. D. Brakebill, A. E. Brakebill and S. H. Tipton as a committee for the work at Vonore, and M. D. Shearer, P. C. Hambrough and Fred C. Payne to assist in the

project at Tellico Plains. The act further issued \$75,000 in bonds at 6% interest for the improvement of the grounds and the erection thereon of a suitable building for a high school or an elementary school at Madisonville, naming R. C. Kefauver, Lee R. Sloan and Carl Calfee as the committee for this project. This act was repealed by Private Acts of 1931, Chapter 58.

4. Private Acts of 1937, Chapter 16, stated in the preamble that the quarterly court had passed a resolution to make an offer to the Public Works Administration whereby Monroe County paid \$19,000 and the PWA paid \$15,000 to build and equip a high school in Vonore for which a general tax levy of ten cents per \$100 property valuation was made through 1940. This act provided further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution.
5. Private Acts of 1937, Chapter 244, authorized Monroe County to issue and sell interest bearing county warrants in the amount of \$13,500 which provided funds to operate the schools of said county for eight months or repair buildings; and provided for the levy and collection of a tax to retire said warrants with interest.
6. Private Acts of 1939, Chapter 218, validated, confirmed and approved the resolution of the Monroe County Quarterly Court which authorized the board of education to replace outstanding warrants, in the amount of \$13,000, said warrants, which were known as the Vonore High School warrants were due in 1939 and 1940. They were replaced with similar warrants due in 1940 and 1941.
7. Private Acts of 1941, Chapter 144, validated \$18,000 of Monroe County, Tennessee School Funding Warrants, dated January 1, 1941, and the proceedings of the quarterly county court which authorized said warrants and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said warrants.
8. Private Acts of 1947, Chapter 631, was the legal authority for the quarterly court of Monroe County to issue up to \$150,000 in bonds at an interest rate not to exceed 5%, and to mature no longer than 30 years from the issue date. The proceeds of the bonds were used to purchase land, construct and equip school buildings, or repair, remodel and add to the same. The court was allowed to embody all essential details into proper resolutions to be adopted by the court. These bonds were tax exempt

Chapter IV - Boundaries

Creation of the County

Public Acts of 1819 Chapter 7

COMPILER'S NOTE: Sections 1 and 2 of this act did not affect Monroe County and therefore have been omitted.

SEC. 3. That all the Territory included in the lines hereafter mentioned shall constitute a county by the name of Monroe county.

SEC. 4. That the said county of Monroe shall be bounded as follows, to wit: beginning at the beginning of McMinn county; thence running eastwardly with the line of Roane county to the Tennessee river; thence up said river to the mouth of Cowee and Nanteyallee; thence with the dividing ridge between said rivers to the eastern boundary line of this state; thence south with the said line to the line dividing this state from the state of Georgia; thence west to the county of McMinn; thence with the said county to the beginning.

SEC. 5. That for the administration of justice, the courts of Pleas and Quarter sessions and the circuit courts in said counties shall be held at the following places, to wit: For the county of McMinn, at the house of Major John Walker, and for the county of Monroe, at the house of William Dixon, on the south bank of Little Tennessee opposite the town of Morganton, at which places the said courts shall be holden until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts, in other counties of this State.

SEC. 6. That the Sheriffs of the counties of Monroe and McMinn, shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in May next, for the purpose of electing field officers of the Militia for said counties, under the same rules, regulations and restrictions, as are prescribed by law in similar cases; and the militia of the county of Monroe shall compose the sixty sixth regiment, and shall be attached to the seventh brigade; and the militia of the county of McMinn shall

compose the sixty seventh regiment, and be attached as aforesaid.

SEC. 7. That it shall be the duty of the commandants of the said sixty sixth, and sixty seventh regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies as they shall think best for the convenience of said companies; and it shall be the duty of each of said commandants, to issue writs of election for company officers according to law.

SEC. 8. That said county of Monroe shall be attached to the election district of the County of Blount, and to be governed by the same rules and regulations as other elections are held in Blount County, and the Sheriff of Monroe County shall make return of the votes of his county for electors to elect a president and vice president, governor, members to Congress and members to the State Legislature, to the sheriff of Blount County, under the same rules, and regulations as for other counties; and that said County of McMinn shall be attached to the election district of the County of Rhea under the same rules and regulations as govern the Counties of Monroe and Blount.

SEC. 9. That it shall be lawful for any Justice of the Peace for Blount County, to attend at the first court for said county of Monroe; and any Justice of the Peace for Rhea County may attend the first court in the county of McMinn for the purpose of administering the necessary oaths to the Justices of said court.

Passed: November 18, 1819.

Change of Boundary Lines

Private Acts of 1823 Chapter 256

SECTION 1. That the following line be, and is hereby, established between the counties of Roane and Monroe: Beginning on the second range line east of the meridian, where the present Roane and Monroe line leaves the same; thence with said line to where the same strikes the township line, at or near Taylor Eldridge's reservation; thence with said line to the extreme height of the Black Oak ridge; thence along the same to the present line as heretofore marked and run. And the following be, and the same is hereby established between the counties of Blount and Monroe: Beginning on the north bank of Little Tennessee river, at the point called Wildcat Rock; thence a direct line to the Militia Springs from thence along the Indian boundary to the 11th corner on said line, opposite to William Schrimsher and William McNabb; thence to Abram's creek, at the mouth of the second branch above its junction with the Tennessee, as marked on the General Plan; thence a southeast course to the North Carolina boundary line; thence with said line to the Tennessee river; Which said territory shall hereafter belong to, and compose a part of, Monroe County, in addition to the original limits thereof.

SEC. 2. That Nathan Hendrix and Nicholas S. Peck shall be appointed commissioners in the upper end of said county, and Charles Kelso and Jesse Melton be appointed commissioners in the lower end of said county, and Jones Griffin in the center of said county, whose duty it shall be to select the most eligible site that can be had on the Tennessee river, and one other site the most eligible that can be procured in the interior of said county; and when said sites are thus selected, all the free men of said county of twenty-one years and upwards, shall be entitled to vote between the two places so selected. The said commissioners shall make out a fair and explicit report to the sheriff of said county, of the sites so selected by them, the donations offered to either of the sites put in nomination, whose duty it shall be to publish the same, by advertising at the muster ground of each captain's company in said county, at least thirty days previous to the day on which such election shall be held, which shall be holden one day, at the same rules, regulations, and restrictions, as observed in electing members of the General Assembly, and the site receiving a majority of said votes, shall be the permanent seat of justice for Monroe County.

SEC. 3. That should any of said commissioners die, remove, fail or refuse to act, then, and in that case, the county court shall supply such vacancy, two thirds of the acting justices being present; provided always, that it shall be the duty of said sheriff to hold an election at the dwelling-house of David Russell, for the aforesaid sites, on the same day, for that portion of Monroe county lying north of the Tennessee river.

SEC. 4. That said commissioners, before they enter upon the duties assigned them by this act, shall take before same justice of the peace the following oath or affirmation of "I, A. B. do solemnly swear, or affirm, (as the case may be,) that in fixing on suitable places for the permanent seat of justice for Monroe county, I will do equal and impartial justice to the people of said county, and that I will not be influenced by any private interest in fixing the same, provided it does not accord with the interest of the county; and that I will in the best of my judgment, perform the duties enjoined upon me by the act appointing the commissioner."

SEC. 5. That the aforesaid commissioners shall enter into bond, with security to be approved of by the

clerk of said county court, in the sum of ten thousand dollars, payable to the chairman of said court and his successors in office, for the due and faithful discharge of the duties devolving upon them as commissioners aforesaid; which bond shall be filed in the office of said clerk.

SEC. 6. That said commissioners shall make such agreement with the owner of the land whereon they may wish to fix said seat of justice, as to them shall seem right and just, and for the lowest price the same can be procured, for any quantity not less than forty acres, and shall take a title from the owner of said land to themselves and their successors in office, as commissioners of said county town.

SEC. 7. That said commissioners shall, as soon as may be after obtaining a title to said land, cause a town to be laid off thereon, into a public square, lots, streets, and alleys, of convenient size, which said town shall be known by the name of Tellico.

SEC. 8. That the said commissioners be, and they are hereby, authorized to sell the lots of said town at public sale, to the highest bidder, allowing such credit as they may think proper, giving at least thirty days notice in the Knoxville Register of such sale, taking bond with sufficient security for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute, in due form of law, deeds of conveyance for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

SEC. 9. That it shall be the duty of said commissioners to contract with suitable workmen to build a court-house, prison, and stocks, to be placed on the public square; but said commissioners may build said prison upon some other lot in said town, as to them shall seem right.

SEC. 10. That said commissioners shall appropriate the money arising from the sale of the town lots aforesaid, to the payment of lands, (if they shall be compelled to purchase a site,) and the public buildings. If there should be a surplus in their hands after said buildings are finished, it shall be deposited in the treasury of said county, and to remain there for the use of said town, subject to the disposition of the county court of said county.

SEC. 11. That the said commissioners, when the buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; provided, a majority of the acting justices of said county shall make such allowance.

SEC. 12. [Deleted by Private Acts of 1825, Chapter 307].

SEC. 13. That when said commissioners shall have finished said public buildings, and reported the same to the county court of Monroe county, the courts in said county shall thereafter be held at said court-house, and all writs, recognizances, and other process, which may have issued in said county or circuit court, and made returnable to the house where such courts are now held, shall be returned to said court-house, and shall be as good and valid in all respects, as if they had been returned to the house where said courts are now held.

SEC. 14. That as soon as the aforesaid courts shall be removed to the seat of justice in said county, it shall be the duty of the clerks of said courts to keep their offices at said town.

November 22, 1823.

Private Acts of 1833 Chapter 16

The county of McMinn, in addition to its present limits, shall commence at the point on the south bank of Hiwassee river, where the Rhea County line terminates, thence along said lines, until it strikes the Hamilton County line at Wilson Evans' thence along said line to the White Oak mountain; thence along the extreme height of said mountain and the Hamilton County line entire, until it strikes the five mile point of Hamilton County line, on the dividing line between the States of Georgia and Tennessee; thence along said line until it strikes a point opposite to the line dividing Monroe and McMinn Counties; thence a direct line to the division line between the said counties of Monroe and McMinn; and that all the balance of said territory shall be attached to, and included in the county of Monroe, in addition to its present limits. And it is hereby made the duty of the Surveyor General of the Hiwassee district to run and mark the several county lines as designated by this act.

Passed: November 8, 1833.

Private Acts of 1835-36 Chapter 143

SECTION 1. That the following shall be the line between the counties of Blount and Monroe, to wit: beginning on the present line at the Militia Springs, thence a direct line from said springs to strike the Little Tennessee River, above the farm of David Russell, so as to include said Russell in the county

Monroe; the said river then to be the line to where the said river strikes the North Carolina line; Provided, that nothing herein contained shall be so construed as to prevent the sheriff of Monroe county from collecting all taxes, both state and county, that may be due from that portion of the citizens residing north of said river, and within the territory hereby taken off said county of Monroe; and provided further, that the sheriff and other officers of said county of Monroe shall have full power and authority to collect all judgements that have been rendered by either the county or circuit courts of said county, or any justice of the peace against any person residing in said territory hereby taken off said county of Monroe.

COMPILER'S NOTE: Section 1 of this act is the only section which pertained to Monroe County. The rest of the act has been omitted.

Passed February 13, 1836.

Private Acts of 1837-38 Chapter 270

SECTION 1. That the following shall be the line between the counties of Blount and Monroe, to wit: Beginning on the present line at the Militia Springs, thence with the original line to where it crosses the present line, thence with the present line to the Tennessee river, above the same of David Russell; *Provided*, that nothing herein contained shall be so construed as to prevent the sheriff of Monroe county from collecting all taxes, both State and county, that may be due from that portion of the citizens residing within the territory hereby taken off said county of Monroe; *and provided further*, that the sheriff and other officers of said county of Monroe shall have full power and authority to collect all judgements that have been rendered by either the county or circuit courts of said county, or any justice of the peace against any person residing in said territory hereby taken off said county of Monroe.

Passed: January 17th, 1838.

Private Acts of 1939 Chapter 604

SECTION 1. That the line between Monroe and Loudon Counties, Tennessee, be and the same is hereby changed so as to detach from Monroe County and attach to the Fourth Civil District of Loudon County, Tennessee, the following lands, formerly a part of the Old Fourth and now a part of the Second Civil District of Monroe County.

- The lands of Henry Bledsoe,
- The lands of Murphey Hamilton,
- The lands of Equitable Life Ins. Society,
- The lands of John Brown,
- The lands of Jess McCullough,
- The lands of Henry Ryans,
- The lands of Frank Letterman,
- The lands of Jennings Clark,
- The lands of Laudermilk heirs,
- The lands of Byrd Kizer,
- The lands of M. H. Rosin,
- The lands of Hill Bros., Formerly known as Silverrun Dairy Farm of Dr. J. J. Harrison,
- The lands of James Edward heirs,
- The lands of the Old Mayo Farm, now owned by Herbert Foster and Moss Carson,
- The lands of Vaden heirs,
- The lands of the Old McCall farm, now owned by Waymen, Miller and Gorley,
- The lands of Lawrence Allman,
- The lands of Clyde Allman,
- The lands of Newton Clerk,
- The lands of C. L. Bray,
- The lands of J. M. Reed,

The lands of M. L. Skinner,
The lands of Robert Miller,
The lands of I. W. Rowland,
The lands of Robert Edwards,
The lands of G. H. Hensley,
The lands of the Old Millsaps farm, now owned by Smith,
The lands of Mote Sewell,
The lands of J. B. Beal,
Sunnyside Baptist Church,
The lands of Clarence Bradley,
Sunnyside School House and lot,
The lands of Mitt Scrimshire,
The lands of Jack Byrum,
The lands of Ben Petit,
The lands of Henry Rowland.

SECTION 2. That it is the legislative intent that each section, sub-section, paragraph and provisions 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 without such unconstitutional or invalid portions elided therefrom.

SECTION 3. 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: March 10, 1939.

Private Acts of 1951 Chapter 535

SECTION 1. That the boundary between Monroe and Loudon Counties is hereby changed in the following manner, to-wit:

Said boundary line is changed to read "First Tract: beginning on the present line between Loudon and Monroe Counties at a stake at the southern end of a bridge across Sweetwater Creek on the old Washington Road; thence up Sweetwater Creek to the intersection of said Creek with the northwestern side of the right-of-way of the Southern Railway Company; thence running with said railway right-of-way line westerly to where said right-of-way line again intersects Sweetwater Creek; thence up Sweetwater Creek to where said Creek intersects the line of the old Milligan farm, which line runs to the old Washington Road; thence with the southern side of said Washington Road westerly to where said road intersects the present Monroe and Loudon County line."

"Second Tract: Beginning on the present line between the Counties of Loudon and Monroe at a stake on the west side of the Lee Highway right-of-way; thence south with said right-of-way to a stake where the right-of-way line intersects the property line of Mr. Audey Godsey; thence with the Godsey property line and its meanders in a southwesterly direction to a point where the Godsey line intersects the right-of-way of the Southern Railway; thence with said property line of Railway right-of-way in a northerly direction to a point where said right-of-way line intersects the County line between Monroe and Loudon Counties; thence with said County line to a point of beginning; both tracts containing approximately two hundred and eighty four (284) acres, 1st tract approximately two hundred and seventy (270) acres, 2nd tract approximately fourteen (14) acres; but expressly excluding the right-of-way and tracts of the Southern Railway Company located between the two tracts, which right-of-way and tracts are not transferred to Loudon County but shall remain a part of Monroe County."

SEC. 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: March 15, 1951.

Acts of 1837-38 Chapter 270

SECTION 1. That the following shall be the line between the counties of Blount and Monroe, to wit:

Beginning on the present line at the Militia Springs, thence with the original line to where it crosses the present line, thence with the present line to the Tennessee river, above the same of David Russell; *Provided*, that nothing herein contained shall be so construed as to prevent the sheriff of Monroe county from collecting all taxes, both State and county, that may be due from that portion of the citizens residing within the territory hereby taken off said county of Monroe; *and provided further*, that the sheriff and other officers of said county of Monroe shall have full power and authority to collect all judgements that have been rendered by either the county or circuit courts of said county, or any justice of the peace against any person residing in said territory hereby taken off said county of Monroe.

Passed: January 17th, 1838.

Boundaries - Historical Notes

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

1. Private Acts of 1821, Chapter 78, established a line between Monroe and Roane counties from the south bank of the Tennessee River to the boundary line.
2. Private Acts of 1821, Chapter 204, obligated the quarterly courts of the counties of McMinn and Monroe at their next session after January 1 following, to appoint a fit and suitable person to run and mark the line dividing the said counties beginning where the same commences from the Roane County line to the residence of Caleb Starr, the same to be paid a combined total of five dollars per day, plus expenses, for their services.
3. Private Acts of 1822, Chapter 179, authorized the quarterly courts of Monroe and McMinn counties to make additional allowances to the persons who have run and marked the lines between the two counties.
4. Acts of 1837-38, Chapter 304, changed the line between Monroe County and the districts named, commencing where the line between the Hiwassee and Ocoee Districts strikes the Monroe County line, thence with the line of said district to the corner of Township One and Township Two of the Ocoee District, in the third range east, between Section 5 in Township Two and Section 32 in Township One; thence with the township line and the North Carolina line, and all the area south and east of the above described line was declared to be a part of Monroe County.
5. Acts of 1849-50, Chapter 80, rearranged the boundary line between Monroe County and McMinn County so as to include the plantation belonging to Samuel M. Johnston in Monroe County.
6. Acts of 1849-50, Chapter 98, altered the line between Monroe County and McMinn County so that the line commenced on Star's Mountain on the dividing line between the Hiwassee and Ocoee Districts and east of north to the Monroe County line. The county court of each County was allowed to employ a surveyor to run and mark the line, as described herein, who was paid a fair compensation for their services. This act was amended by Public Acts of 1866-67, Chapter 23, which repealed the 11th Section, so that the county line ran with the northeast line of J. A. Tucker and that the families and land attached to McMinn County were required, as heretofore, to pay taxes to Monroe County.
7. Acts of 1853-54, Chapter 106, changed the boundary line between Monroe County and McMinn County so that the farm and residence of Jessie Cunningham was included wholly within Monroe County.
8. Acts of 1855-56, Chapter 28, changed the dividing line between the counties of Monroe and McMinn as to include the residence and lands of Thomas Lesly and eight other qualified voters in McMinn County.
9. Acts of 1855-56, Chapter 122, changed the boundary line between Monroe and Polk counties so as to include the premises and lands of Burgis Witt in Monroe County.
10. Public Acts of 1857-58, Chapter 83, rearranged the boundary lines between Monroe and Roane counties so as to include the properties of James Sewell, William Carter, William Elkins, John Billingsley and David H. Dickey within Monroe County.
11. Private Acts of 1857-58, Chapter 129, changed the lines between Monroe and Polk counties so as to include the lands of C. H. Parr, Michael Read and Caleb Johnson, in Monroe County. Section 3, of the same act, altered the boundaries between Monroe County and McMinn County beginning at a point on the line near Jesse Elliott's, thence through the center section 5, 8, 17, 20, 29 and 32 in Township 4, thence on a direct line to the White Bluff on Star's Mountain.
12. Private Acts of 1859-60, Chapter 196, changed the boundary line between Monroe County and Roane County so as to place all the lands and residences of D. H. Dickey and S. H. Caldwell in Monroe County, provided that the change did not obstruct the road leading from Kingston to the

depot of the East Tennessee and Georgia Railroad.

13. Public Acts of 1866-67, Chapter 9, realigned the boundary line between Monroe County and Roane County so that Carmichael's Island in the Tennessee River, be within Roane County.
14. Public Acts of 1869-70 (2nd Sess.), Chapter 2, formed the new county of Christiana out of portions of Monroe, Roane and Blount counties around the Town of Loudon. The establishment of the new county was conditioned upon the approval by referendum of the people living in the affected areas.
15. Public Acts of 1870-71, Chapter 53, stated that the county line between Monroe County and Loudon County ran through the land belonging to Jesse Richardson, making Richardson pay taxes in both counties, therefore, this act reorganized the lines so that all of Richardson's property was included in Loudon County and the properties of Archibald Bakum and Hugh Chestnut were placed entirely within Monroe County.
16. . Public Acts of 1871, Chapter 91, changed the boundary line between the counties of Monroe and Loudon so as to moved all the lands belonging to Charles Moore, Charles H. Jones, William Harrison, William A. Upton, Jr., Dolphus Lowe and Margaret Lowe, out of Loudon County and into Monroe County. This provision was duplicated in Acts of 1872 (Called Sess.), Chapter 19.
17. Acts of 1872 (Called Sess.), Chapter 19, changed the boundary line between the counties of Monroe and Meigs so as to include the lands of Elijah McPherson and David Webb in Meigs County.
18. Public Acts of 1873, Chapter 86, changed the boundary line between Monroe County and Loudon County so as to place the lands of John B. Tipton, known as his home farm, the lands of Harris Tipton, William P. Kittrell, James Gaston's heirs, Patton Blankenship, Mary C. Mayo and Louisa M. Gay wholly within Loudon County, and moved the home and lands of Jacob K. Johnson from Loudon County into Monroe County. This act was repealed by Public Acts of 1875, Chapter 126.
19. Public Acts of 1877, Chapter 130, changed the lines between Monroe County and Blount County so as to leave the Little Tennessee River where the said line now intersects the same, running in a northerly direction for one mile, or more; thence east and south to the said river, so as to include within Monroe County all the lands owned by Charles F. Henley, J. L. Johnson and John B. McGee, which adjoin each other.
20. Public Acts of 1877, Chapter 163, moved the lands of W. J. Fowler out of Loudon County and into Monroe County.
21. Public Acts of 1879, Chapter 137, detached the lands and residence of Darius Hudgings from Loudon County and attached the same to Monroe County.
22. Public Acts of 1883, Chapter 102, transferred all the properties of M. P. Ray, R. E. McClain and C. S. McGhee out of Blount County and into Monroe County.
23. Public Acts of 1883, Chapter 116, rearranged boundary lines between Monroe County and McMinn County so that the farms of H. B. Yarwood and Frank Keith were included wholly within Monroe County.
24. Public Acts of 1885, Chapter 56, detached the portion of the lands belonging to D. M. Moser which were located in Loudon County and attached the same to Monroe County.
25. Public Acts of 1887, Chapter 196, returned the lands of Louisa Gay to Monroe County and placed the properties of John Miller, J. E. Scrimsher, Joseph Sewell and David Miney within Loudon County. Section 2 moved the lands of Samuel Richee, Hannah Joines, James Land, Samuel Land and Andrew Morgan out of McMinn County and into Monroe County. This act was repealed by Public Acts of 1891, Chapter 214.
26. Public Acts of 1889, Chapter 58, moved all the lands and property belonging to S. R. Murray out of Loudon County and into Monroe County.
27. Public Acts of 1889, Chapter 199, transferred the lands of William David and H. Clay Kelso out of Loudon County and into Monroe County.
28. Public Acts of 1889, Chapter 235, detached the lands of J. H. Lenard from Monroe County and attached the same to Loudon County.
29. Public Acts of 1891, Chapter 67, transferred the lands of A. J. Hudgins from Loudon County into Monroe County.
30. Public Acts of 1895, Chapter 27 changed the boundary lines between Loudon County and Monroe County so that the lands of John Cody be located wholly within Loudon County and the lands of Mrs. Bettie McCarroll be entirely situated in Monroe County.
31. Private Acts of 1897, Chapter 169, moved the lands of Byrum Johnson out of Monroe County and

- placed them entirely within Loudon County.
32. Private Acts of 1897, Chapter 206, changed the line between Loudon and Monroe County so that the properties belonging to H. C. Kelso, James Brison, Mrs. McCarroll, Robert Everett, James Scrimpsheer, John W. Miller, Mat Cook, Cal Vernon, Joe Helton, Joseph Sewell, H. C. Call and David Mincey be located entirely within Loudon County.
 33. Private Acts of 1901, Chapter 306, changed the boundary line between Monroe County and Loudon County so as to include the farm of Will C. Cannon in Loudon County.
 34. Acts of 1903, Chapter 95, changed the boundary line between Monroe and Loudon counties so as to detached the land of W. G. Lenoir, lying between the Washington Road and the Town of Philadelphia from Monroe County and attached the same to Loudon County, containing 100 acres, more or less.
 35. Acts of 1903, Chapter 166, changed the boundary line between Monroe County and McMinn County so as to include all of the farms of William Thomas and G. M. Bilderback in the first civil district of Monroe County.
 36. Acts of 1905, Chapter 37, changed the boundary line between Monroe County and Loudon County so as to place all the lands of Mrs. Ada Hyden out of Loudon County and into Monroe County.
 37. Private Acts of 1915, Chapter 435, changed the boundary line between the counties of Monroe and McMinn so as to transfer all the land owned by O. A. Toomey, which was located in the second civil district of McMinn County, out of McMinn County and placed the same in Monroe County.
 38. Private Acts of 1921, Chapter 176, changed the boundary line between Monroe and McMinn counties so as to move the lands belonging to H. D. Joines out of the second civil district of McMinn County and into Monroe County.
 39. Private Acts of 1923, Chapter 181, changed the boundary line between Monroe and Loudon counties so as to remove the property of G. D. McCrary from the second civil district of Monroe County and attach the same in the fourth civil district of Loudon County.
 40. Private Acts of 1923, Chapter 229, changed the boundary lines between Monroe County and McMinn County so that the lands known as the White Cliff property, about 160 acres, the lands of Wash Adams, about 10 acres, the lands of R. L. Everhart, about 60 acres, and the old Mecca-White Cliff Road, be located wholly within McMinn County.
 41. Private Acts of 1925, Chapter 503, changed the boundary line between Monroe and McMinn County so as to detach the lands owned by L. O. Hicks and E. Ragan Lee, from McMinn County and attached them to Monroe County.
 42. Private Acts of 1927, Chapter 124, changed the boundary lines between Monroe County and Loudon County so as to remove the lands of Fred Griffiths, Ada M. Hyden and W. M. James, from the second civil district of Monroe County and into the fourth civil district of Loudon County.
 43. Private Acts of 1931, Chapter 767, changed the boundary line between Monroe and Loudon counties so as to move the land and residence belonging to W. H. Fresley out of the second civil district of Monroe County and into Loudon County.
 44. Private Acts of 1933, Chapter 175, changed the boundary line between Monroe County and Loudon County at a point near the Town of Philadelphia so that all the properties of E. W. Waller be excluded from Monroe County and included in Loudon County.
 45. Private Acts of 1933, Chapter 262, changed the boundary line between Monroe and McMinn counties so as to transfer all the land owned by R. F. Hicks out of the second civil district of McMinn County and locate it within the third civil district of Monroe County, as the same was described in this act, containing 100 acres, more or less.
 46. Private Acts of 1937, Chapter 849, changed the boundary line between Monroe and McMinn counties so as to provide that the lands of J. N. Wilson, formerly located in the old eighth civil district of Monroe County, would hereafter be a part of the third civil district of McMinn County. The area transferred contained about 15 acres.
 47. Private Acts of 1951, Chapter 340, changed the boundary line between Monroe and McMinn counties so as to move the lands of Henry Wyatt and G. W. Hyde out of Monroe County and into McMinn County.

Chapter V - Court System

Juvenile Court

Private Acts of 1990 Chapter 159

SECTION 1. Effective September 1, 1990, Chapter 287 of the Private Acts of 1980, as amended by Chapter 35 of the Private Acts of 1981, Chapter 115 of the Private Acts of 1981, and Chapter 257 of the Private Acts of 1982, is hereby repealed.

SECTION 2. Notwithstanding any other provision of law to the contrary, effective September 1, 1990, the General Sessions Court of Monroe County is vested, in addition to the jurisdiction currently exercised, with jurisdiction in all proceedings involving or affecting juveniles as conferred by private act upon the current Juvenile Courts of Monroe County, or upon Juvenile Courts by Tennessee Code Annotated, Title 37, or by any other provision of law. On such date, all other courts of the county are divested of such juvenile jurisdiction.

SECTION 3.

(a) Notwithstanding any other provision of law to the contrary, effective September 1, 1990, the Circuit Court Clerk shall be the clerk for all cases involving or affecting juveniles in Monroe County, and all fees received as clerk on all juvenile cases shall be a part of the fees of the Circuit Court Clerk's Office.

(b) All Juvenile Court records and other documents pertaining to juvenile matters in the possession of the Monroe County clerk shall be transferred to the office of the Monroe County Circuit Court Clerk no later than August 31, 1990.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Monroe County and certified by him to the Secretary of State.

SECTION 5. 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 4.

PASSED: March 15, 1990.

Probate Court

Private Acts of 1967-68 Chapter 391

SECTION 1. That there is hereby created a Court, effective May 1, 1968, for Monroe County, Tennessee, to have probate jurisdiction coextensive with the boundary lines of said County, and to be known as the Probate Court of Monroe County, Tennessee.

SECTION 2. That the Judge of the General Sessions Court of Monroe County, Tennessee, upon his being elected and qualified as judge of the General Sessions Court shall also be Judge of the Probate Court of Monroe County, Tennessee, and the present General Sessions Judge of Monroe County, Tennessee, shall be and is hereby designated to serve as such Probate Judge until his successor is duly elected and qualified under the terms and provisions of this Act.

SECTION 3. That the Probate Court of Monroe County shall not have term days, but shall have one term, beginning on the first Monday of each year and lasting throughout that year. Process shall be returnable and pleadings shall be served and filed in accordance with the Tennessee Rules of Civil Procedure.

As amended by: Private Acts of 1984, Chapter 204

SECTION 4. That the Probate Court of Monroe County, Tennessee, shall have and exercise all the jurisdiction of the County Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for the payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability. The said probate court is vested with all jurisdiction heretofore vested in or exercised by the county court by any statute whatsoever with the exception of those powers and jurisdiction which are vested in the juvenile court for Monroe County, Tennessee, and the legislative powers of said county court. The additional jurisdiction hereby vested in the probate court include, but are not limited to, workers' compensation and changes of name. Nothing in this act shall be construed to divest the county executive of his jurisdiction and authority as fiscal and financial agent of said county, or of any other jurisdiction and authority conferred upon him by law. Appeals from the judgment of said court in all cases formerly cognizable by the county court of Monroe County shall be as now provided by law for cases originating in

the county court. The County Judge of Monroe County upon the creation and establishment of the Probate Court is divested of all common law and statutory jurisdiction in the matter enumerated above, to the end that he (County Judge) shall serve primarily as the fiscal officer and Juvenile Judge of said county, preside over the Quarterly County Court at its regular and special meetings, and exercise all other jurisdiction and powers heretofore vested in him except those for which he has been divested above. When this Act becomes effective, all matters within the jurisdiction divested from the County Court and vested in the Probate Court by this Act pending in the County Court on said date shall be completed by the Probate Court except as otherwise prevented by the general law of this State, the same as if these matters had originated in the Probate Court, and all process in these matters returnable to the County Court shall be returned to the Probate Court.

As amended by:

Private Acts of 1984, Chapter 204

SECTION 5.

(a) Effective September 1, 1990, the clerk and master of Monroe County shall be the clerk of the probate court and all fees received by him as clerk of the probate court shall be a part of the fees of the clerk and master's office.

(b) All probate records and other documents pertaining to probate matters in the possession of the Monroe County clerk shall be transferred to the office of the clerk and master of Monroe County no later than August 31, 1990.

As amended by: Private Acts of 1990, Chapter 158

SECTION 6. That prior to June 1, 1982, and prior to June 1 octennially thereafter, the salary of the Probate Judge shall be set by the County Court at an amount not to exceed seven thousand dollars (\$7,000.00) per annum, which shall not be effective prior to September 1, 1982, nor prior to September 1 octennially thereafter following the setting of such salary as provided herein, and which shall not be increased or decreased during the term of office of such judge.

As amended by:

Private Acts of 1982, Chapter 358

SECTION 7. That the Judge of the Probate Court of Monroe County, Tennessee, shall take and subscribe to the same oath provided by law for the General Sessions Judge and possess the same qualifications.

SECTION 8. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Monroe County, Tennessee, on or before May 1, 1968. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

SECTION 9. That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on May 1, 1968, the public welfare requiring it.

Passed: March 18, 1968.

Court System - Historical Notes

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

1. Private Acts of 1911, Chapter 225, created a board of jury commissioners in the counties of Monroe, McMinn and Roane. This act prescribed the duties of the members of said boards and of the circuit judges holding circuit court in said counties in selecting juries to punish violations of this act and provided for jury lists and for jury boxes to be kept in each county affected by this act.
2. Private Acts of 1923, Chapter 261, regulated the service of jurors and made it unlawful to serve as a juror more than one time in each period of two years, whether on the original panel or to fill a vacancy in Monroe County.
3. Private Acts of 1925, Chapter 521, created a board of jury commissioners for Monroe, Blount, McMinn, Roane, Bradley, Polk and Loudon counties. The act provided for the selection of juries; prescribed the duties of the members of the jury board of the circuit and criminal judges; provided punishment for violators of the act and provided for jury lists and jury boxes in each the said counties. This act was amended by Private Acts of 1927, Chapter 285, which removed Loudon County from the operation of the terms of that act.
4. Private Acts of 1931, Chapter 556, created a three member board of jury commissioners in Monroe County; prescribed the duties of the members of the board; punished those who violated this act; provided for jury lists and jury boxes and repealed all laws in conflict with the act.

5. Private Acts of 1955, Chapter 166, provided that in Monroe County the jury commissioners be paid \$10 per day plus the same amount of mileage then allowed to jurors, for each and every day spent in the performance of their duties hereunder.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Monroe 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1824, Chapter 14, Section 8, provided that the judges of the supreme court hold the chancery courts of Monroe, Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell and McMinn counties on the first Monday in June and December.
2. Public Acts of 1827, Chapter 88, Section 3, stated that the chancellors of the eastern district hold the chancery court at Greenville, Rogersville, Carthage, McMinnville and at Kingston on the first Monday in June and December for the counties of Monroe, Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn.
3. Private Acts of 1831, Chapter 217 Section 4, provided that the chancellor of the eastern division hold a court at Madisonville in Monroe County on the first Monday in April and October of each year which terms could be continued for two weeks, if necessary. The court at Madisonville entertained cases from the counties of Monroe, McMinn and Blount. The clerk and master at Kingsport made the transfer of the necessary records.
4. Public Acts of 1832, Chapter 19, set the time for holding the chancery court at Madisonville, in Monroe County on the fourth Monday in May and November.
5. Public Acts of 1835-36, Chapter 4, placed the Monroe County Chancery Court in the ninth chancery district of the eastern division. The time for holding said court was set on third Monday of June and December at Madisonville.
6. Acts of 1837-38, Chapter 116, Section 12, rescheduled the terms of the chancery court at Madisonville to the third Monday in March and September.
7. Acts of 1853-54, Chapter 54, created five chancery divisions in Tennessee composed of the courts of Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta and Livingston, and the counties associated with these courts.
8. Acts of 1853-54, Chapter 55, Section 4, established a schedule for the opening dates of the chancery courts in the eastern division of the state. The time for holding said court at Madisonville in Monroe County was set on the first Monday in June and December.
9. Public Acts of 1857-58, Chapter 88, divided Tennessee into the eastern, middle, western, fourth, fifth and sixth chancery divisions. Monroe County was placed in the fifth chancery division and held said court on the first Mondays in June and December at Madisonville.
10. Public Acts of 1865, Chapter 7, formed the eighth chancery division in Tennessee composed of the counties of Monroe, Sevier, Blount, Roane, Knox, Anderson and McMinn. A chancellor was appointed, or elected, to hold the court in this division, who had the same powers and jurisdiction as other chancellors. The present chancellor continued to hold the courts until his successor was named or elected.
11. Public Acts of 1865, Chapter 14, set the opening dates for the chancery court terms in the eighth chancery division. The time for holding said court in Monroe County was set to the first Monday in June and December.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 32, organized Tennessee into twelve chancery divisions and assigned the counties of Monroe, Knox, Sevier, Campbell, Union, Anderson, Roane, Blount, Scott, Morgan, Fentress and Christiana to the second chancery division.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 47, placed Monroe County in the second chancery division and set the time for holding said court on the first Monday in June and December.
14. Public Acts of 1870-71, Chapter 56, abolished the chancery court at Madisonville in Monroe County and detached the county from the second chancery division and attached it to the third chancery division. All records were transferred to Athens in McMinn County and the said counties of Monroe and McMinn constituted one chancery district. All process outstanding or to be issued, were made to conform to the above changes. This act was repealed by Public Acts of 1871, Chapter 28.
15. Public Acts of 1871, Chapter 28, re-established the chancery court at Madisonville in Monroe

County into a separate chancery district, which was attached to the third chancery division.

16. Public Acts of 1871, Chapter 71, set the time for holding the chancery court at Madisonville to begin on the first Monday in March, 1872, and thereafter on the first Monday in June and December of each year.
17. Public Acts of 1883, Chapter 34, rescheduled the terms of the Monroe County Chancery Court to the first Monday in June and December.
18. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven chancery divisions. The third chancery division was composed of the counties of Monroe, Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee and Grundy. The time for holding said court in Monroe County was set on the first Mondays in June and December.
19. Public Acts of 1887, Chapter 13, reset the opening dates of the chancery court terms for the counties in the third chancery division. The time for holding said court in Monroe County was set to the third Monday in February and August.
20. Public Acts of 1889, Chapter 13, set the time for holding the chancery courts in the third chancery division. The time for holding the Monroe County Chancery Court was set on the first Monday in June and December.
21. Public Acts of 1899, Chapter 427, placed Monroe County in the third chancery division along with the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Polk, Meigs and Hamilton. The time for holding said court in Monroe County was set on the first Monday in June and December.
22. Private Acts of 1911, Chapter 435, created the twelfth chancery division composed of the counties of Monroe, Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Polk and Meigs. Hamilton County constituted the third chancery division. The governor appointed a chancellor for the new division to serve until his successor was elected at the first general election. The clerks and masters of the old courts continued in office, but the new chancellor was required to fill any vacancies which might occur.
23. Public Acts of 1931(2nd Ex. Sess.), Chapter 38, completely reorganized the entire lower court system of the state. The twelfth chancery division consisted of the counties of Monroe, Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee and Franklin. The time for holding said court in Monroe County was set on the first Monday in June and December.

Chancery Court - Clerk and Master

The reference list below contains an act which once applied to the clerk and master in Monroe County.

1. Private Acts of 1923, Chapter 630, set the annual salary of the clerk and master of Monroe County at \$1,200, provided the clerk and master filed by January 1 of each year a sworn, itemized statement with the county judge or chairman, showing the total amount of fees collected in the office. If the fees were less than the salary the county was obligated to make up the difference, but if the fees exceeded the salary the clerk and master had to pay the excess into the county treasury. This act was repealed by Private Acts of 1927, Chapter 18.

Circuit Court

The following acts were once applicable to the circuit court of Monroe County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1820, Chapter 114, authorized the judge of the seventh judicial circuit to adjourn the circuit court of Monroe County from the house of William Dixon to any other house in the county deemed to be suitable for holding the court. The justices were given the same authority concerning the court of pleas and quarter sessions of the county. All process was made to conform to any move which might take place.
2. Private Acts of 1821, Chapter 144, provided that the county court of Monroe County be held on the third Monday of December, March, June and September and could set for six juridical days, if needed. The justices could adjourn to some other place in the county and remove the clerk's office there or they could leave it at the house of William Blair. All the above was also extended to the judge of the seventh judicial circuit, making all process conform to any move which might take place.
3. Private Acts of 1825, Chapter 88, moved the circuit court and the county court, then being held at the house of David Caldwell, in Monroe County, to the Town of Tellico.

4. Private Acts of 1826, Chapter 4, concerned the court of pleas and quarter sessions which was required to meet at the courthouse in Tellico for the trial of civil cases. All jurors to be summoned for that court and the circuit court reported to the courthouse in Tellico.
5. Private Acts of 1827, Chapter 5, set the time for holding the Monroe County Circuit Court on the first Monday in May and November.
6. Public Acts of 1829-30, Chapter 3, changed the opening dates for the terms of the Monroe County Circuit Court to the second Monday in May and November.
7. Public Acts of 1835-36, Chapter 5, placed the Monroe County Circuit Court in the third judicial circuit along with the counties of Roane, Rhea, Meigs, Bledsoe, Marion, Hamilton and McMinn. The time for holding said court in Monroe County was set on the fourth Monday in April, August and December.
8. Private Acts of 1835-36, Chapter 41, provided that the circuit courts for the counties of Monroe, Roane, Rhea, Bledsoe, Marion, Hamilton and McMinn be held at the times prescribed by the existing law but after that term these courts were held at the times established by Public Acts of 1835-36, Chapter 5.
9. Acts of 1837-38, Chapter 3, took Monroe County out the third judicial circuit and placed it in the second circuit. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
10. Public Acts of 1857-58, Chapter 98, placed Monroe County in the third judicial circuit along with Blount, Knox, Roane and Anderson counties. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 31, placed Monroe County in the third judicial circuit along with the counties of Morgan, Anderson, Knox, Roane, Cumberland, Fentress, Blount and Christiana.
12. Public Acts of 1869-70, (2nd Sess.), Chapter 46, placed Monroe County in the third judicial circuit and set the time for holding said court on the second Monday in January, May and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen judicial circuits. The counties of Monroe, Blount, Loudon, Roane, Morgan and Scott were assigned to the third judicial circuit. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
14. Public Acts of 1889, Chapter 35, created the seventeenth judicial circuit out of the third and fourth judicial circuits. The new circuit was composed of the counties of Monroe, Bradley, James, McMinn, Meigs and Polk. The governor was required to appoint a judge and attorneygeneral for the new circuit who served in their respective positions until their successors could be elected at the next general election. The court in Monroe County opened for regular term on the third Monday in January, May, September, and all the clerks of the courts in the affected counties made arrangements for an orderly transition of cases and records.
15. Public Acts of 1899, Chapter 427, provided for fourteen judicial circuits and assigned the counties of Monroe, Bradley, Polk, Meigs, McMinn, James, Loudon, Roane and Blount to the fourth judicial circuit. The Monroe County Circuit Court was scheduled for the third Monday in April, August and December. This act was amended by Private Acts of 1901, Chapter 413, so as to change the opening dates for the terms of the circuit court for the counties in the fourth judicial circuit. The time for holding the Monroe County Circuit Court was set on the fourth Monday of January, May and September.
16. Acts of 1903, Chapter 354, changed circuit court terms in the fourth judicial circuit. The time for holding the Monroe County Circuit Court was set on the third Monday in January, May and September.
17. Private Acts of 1923, Chapter 537, rearranged the schedule of circuit court terms for the counties in the fourth judicial circuit but did not alter Monroe County's schedule.
18. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, set up twenty judicial circuits in this total rearrangement of the lower state judicial organization. The fourth judicial circuit contained the counties of Monroe, Bradley, Roane, Blount, Loudon, McMinn and Polk. The time for holding said court in Monroe County was set on the fourth Monday in March, July and November.
19. Public Acts of 1965, Chapter 188, placed Monroe County in the twenty-fourth judicial circuit along with Bradley and McMinn counties. The time for holding said court in Monroe County was set for the fourth Monday in March and the third Monday in May, July and November.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Monroe County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1829-30, Chapter 90, authorized John B. Tipton, clerk of the circuit court, and William S. Blair, clerk of the county court, to build a clerk's office at their own expense upon such part of the public square in Tellico in Monroe County as was designated by the county court, which office would, upon the death, resignation, or removal of the clerk, be entitled to the same privilege of being sold, or of being retained as was given to the circuit court clerk of Campbell County, heretofore.
2. Acts of 1903, Chapter 255, set the salary of the circuit court clerk of Monroe County at \$750 per year under this act. This act was amended by Private Acts of 1919, Chapter 245, by excepting the fees received by the circuit court clerk in Monroe County for transcripts from those to be reported to the county judge or county court, as a basis for salary determination. This act then proceeded to set up a new scale of salaries per year for the clerks. The salary of the circuit court clerk was set at \$1,000, provided still that the circuit clerk file a sworn itemized statement with the county judge or chairman, showing the number of fees collected, except the transcript fees, which fees composed the salary of the clerk up to the amount stated, and the excess, if any, was paid in as revenue. Private Acts of 1927, Chapter 144, amended Private Acts of 1919, Chapter 245, by increasing the annual salary of the circuit court clerk of Monroe County from \$1,000 to \$1,500 per annum.
3. Private Acts of 1939, Chapter 580, allowed the circuit court clerk of Monroe County to employ a deputy or a clerk to assist him in the performance of his duties at a salary of \$50 per month, payable on the warrant of the county judge out of regular county funds. This act became effective on September 1, 1938, in order to reimburse the clerk for funds already spent for this purpose.
4. Private Acts of 1949, Chapter 907, set the annual salary of the clerks of the circuit court and the criminal court of Monroe County at \$3,600 per year, payable in equal in monthly installments on the first day of each month out of county funds. All fees collected in the office of either clerk were declared the property of the county and were paid into the treasury for all of which the clerks were responsible.

Criminal Court

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

1. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Monroe County Criminal Court on the second Monday in January, May and September.
2. Public Acts of 1899, Chapter 427, set the time for holding the Monroe County Criminal Court on the third Monday in April, August and December.
3. Private Acts of 1925, Chapter 58, created a criminal court in the fourth judicial circuit for the counties of Monroe, Blount, Loudon, Roane, McMinn, Bradley and Polk. Said court was held in Monroe County at Madisonville beginning on the second Mondays in March, July and November.
4. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, provided for the criminal courts of the fourth judicial circuit which included the counties of Bradley, Roane, Loudon, Blount, McMinn, Polk and Monroe in which county the terms of the criminal court would begin on the first Monday in January, May and September.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Monroe County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1939, Chapter 228, created the position of criminal investigator for the fourth judicial circuit to which Monroe County was assigned at that time.
2. Public Acts of 1965, Chapter 188, authorized the district attorney general of the twentyfourth judicial circuit, which included Monroe County, to appoint two persons as assistant attorneys general or appoint one assistant district attorney general and one criminal investigator. Each of said assistants and/or criminal investigators received an annual salary of \$4,800.
3. Public Acts of 1967, Chapter 385, created the office of an additional assistant district attorney general for the twenty-fourth judicial circuit, which included Monroe County. The said assistant attorney general received a salary of \$4,800 per annum.

4. Public Acts of 1977, Chapter 356, created an additional office of criminal investigator for the district attorney general of the twenty-fourth circuit, which include Monroe County.

Juvenile Court

The following acts once affecting juvenile courts in Monroe County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1980, Chapter 287, established a juvenile court in Monroe County; provided for the election, compensation, duties and powers of the judge of the juvenile court; provided for the qualifications of the juvenile judge; and permitted the juvenile judge to practice law in certain courts. This act was amended by Private Acts of 1982, Chapter 257, so as to continue the existence of a juvenile court in Monroe County and provided for the election of the judge of the juvenile court. Private Acts of 1980, Chapter 287, was repealed by Private Acts of 1990, Chapter 159.
2. Private Acts of 1981, Chapter 35, would have provided that Monroe County exercise concurrent jurisdiction under Tennessee Code Annotated, title 37, and all other similar laws with the juvenile court of Monroe County and to have repealed Private Acts of 1980, Chapter 287, however, this act was not ratified by Monroe County and never became law.
3. Private Acts of 1981, Chapter 115, would have provided that Monroe County exercise concurrent jurisdiction under Tennessee Code Annotated, title 37, and all other similar laws with the juvenile court of Monroe County and to have repealed Private Acts of 1980, Chapter 287, however, this act was not ratified by Monroe County and never became law.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1963, Chapter 231 created the position of secretary to the judge of the fourth judicial circuit, which included Monroe County, at an annual salary of \$2,400.
2. Public Acts of 1965, Chapter 188, Section 7, provided for a secretary in the newly created twenty-fourth judicial circuit, which included Monroe County, who was to be paid \$3,000 per year.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2023 Chapter 11

SECTION 1. Chapter 117 of the Private Acts of 1963, as amended by Chapter 369 of the Private Acts of 1972, Chapter 221 of the Private Acts of 1984, Chapter 153 of the Private Acts of 1992, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. The Monroe County Board of Education shall consist of ten (10) members to be elected from districts established by the county legislative body of Monroe County pursuant to Tennessee Code Annotated, Section 49-2-201.

SECTION 3. The term of the tenth member authorized by this act shall be set to comply with the staggered term requirements of Tennessee Code Annotated, Section 49-2-201.

SECTION 4. The duties and compensation of members of the county board of education shall be as provided by law.

SECTION 5. Nothing in this act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which they were elected.

SECTION 6. 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 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Monroe 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 upon being approved as provided in Section 7.

Passed: April 12, 2023.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Monroe County but are no longer operative. Also referenced below are acts which repeal prior law with out providing new substantive provisions.

1. Private Acts of 1921, Chapter 706, fixed the compensation of members of the Monroe County Board of Education at \$150 per annum. This act was repealed by Private Acts of 1963, Chapter 117.
2. Private Acts of 1925, Chapter 693, created a county board of education for Monroe County composed of one member from each civil district who was elected by popular vote for two year terms in the regular August election of 1926. The powers, duties and compensation of the board of education provided for herein were the same as those prescribed for county boards of education elsewhere. The former board was abolished when this board took office. This act was repealed by Private Acts of 1963, Chapter 117.
3. Private Acts of 1927, Chapter 140, required the county board of education of Monroe County to pay out of the general funds, pensions to public school teachers after certain terms of service in the public schools of the county, who have reached the age of 70 years. This act was repealed by Private Acts of 1963, Chapter 117.
4. Private Acts of 1929, Chapter 548, established a board of education in Monroe County composed of one member from each civil district and one member from each incorporated city, all to be elected by popular vote, who were residents of the district or city, and who met the qualifications specified. The duty of the board was specifically described in 25 separate paragraphs in Section 3 which are too lengthy to list here. The election commission certified the successful candidates for the board who were paid as the county court directed, but not over \$4.00 per day. This act repealed Private Acts of 1927, Chapter 92, and Private Acts of 1917, Chapter 609, which are included in the section on civil districts herein. Private Acts of 1929, Chapter 548, was repealed by Private Acts of 1963, Chapter 117.
5. Private Acts of 1935, Chapter 437, provided for the election by popular vote of a county board of education in Monroe County. This act provided for the term of office of members, the number of members and provided for the organization, duties, powers and compensation of members of such board. This act was repealed by Private Acts of 1937, Chapter 796, so as to provide for the members of the board of education to hold office until September 1, 1938. At the July session the quarterly court selected seven members of the board of education who served staggered initial terms, and whose successors were named for terms as the above terms expired according to the 1932 Code of Tennessee. This act was repealed by Private Acts of 1963, Chapter 117.
6. Private Acts of 1975, Chapter 24, authorized the Monroe County Board of Education to purchase certain supplies and materials up to \$3,000 without competitive bids. This act was repealed by Private Acts of 1986, Chapter 117.
7. Private Acts of 1985, Chapter 81, would have repealed Private Acts of 1975, Chapter 24, however, this act was never ratified by Monroe County and therefore never became law.
8. Private Acts of 2012, Chapter 54, would have repealed Private Acts of 1963, Chapter 117, however, this act was never ratified by Monroe County and therefore never became law.
9. Private Acts of 2023, Chapter 11, repealed Private Acts of 1963, Chapter 117.

Superintendent or Director of Schools

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

1. Private Acts of 1927, Chapter 825, provided for the election of a county superintendent of public instruction by popular vote in Monroe County at the general August election in 1928 and every two years thereafter, the term beginning on the January 1 following the election. This act was amended by Private Acts of 1929, Chapter 118, so as to add a provision that possession of a certificate of qualification issued by the state board of education with an average of 90 was sufficient qualification for the superintendent of schools regardless of when the certificate was

issued or whether or not the holder had been engaged in school work continuously. The act also ratified and legalized the election of any person meeting these qualifications in Monroe County. This act was amended by Private Acts of 1929, Chapter 548, so that the board of education elected the superintendent of schools in Monroe County instead of having him elected by the vote of the people. Private Acts of 1927, Chapter 825, was repealed by Private Acts of 1933, Chapter 728.

2. Private Acts of 1935, Chapter 202, provided that the superintendent of public instruction of Monroe County be elected by the people at the general August election which was held on the first Thursday in August, 1936, and every two years thereafter, whose qualifications, duties and compensation were the same as those established under the general law for others in like positions. This act was repealed by Private Acts of 1937, Chapter 775.
3. Private Acts of 1943, Chapter 280, as amended by Private Acts of 1963, Chapter 179, provided that the superintendent of public instruction in all counties of the state having a population of not less than 24,270 and not more than 24,280, according to the Federal Census of 1940, or any subsequent Federal Census, would be elected by the quarterly county court under the Code of Tennessee of 1932 and would take office on September 1, 1944 following their election and serve for a term of four years.
4. Private Acts of 1963, Chapter 113, authorized and provided for the election of a county superintendent of education for Monroe County by the qualified voters of the county. The act fixed the term of office of said superintendent; provided the manner of filling a vacancy; provided the manner and mode of holding a special election for the purpose of accepting or rejecting the provisions of the act.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Monroe 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. Public Acts of 1822, Chapter 30, made it the duty of the county court of Monroe, Lincoln, McMinn and Bedford County, at the first court session after January 1 next, to appoint three commissioners for each tract of school land in the county, who, when appointed, were subjected to all regulations pertinent to people in like office. If it were to become necessary to file suit to prosecute or defend any action related to the school lands, the commissioners were reimbursed for the cost of the litigation by the respective county.
2. Private Acts of 1825, Chapter 300, named John M'Gee, Joseph Callaway, Samuel Blackburn, Peter Ragan, Eli Cleaveland, John McKrosky, David Caldwell and Samuel Bicknell as the board of trustees of Bolivar Academy in Monroe County. John McGee served as chairman of the board of trustees who located the academy within one mile of Tellico.
3. Private Acts of 1829-30, Chapter 265, appointed James Axley, John O. Cannon, George Hicks, Charles Riley, Charles Hicks, John Griffith, John B. Tipton, Charles Kelsoe, Enoch Moore, Robert McReynolds and James A. Hair, as additional trustees for Bolivar Academy in Monroe County. All the trustees appeared in Tellico on the first Monday in March, next, and organize themselves for the transaction of the schools' business in an expedient manner. A majority of the board of trustees was authorized to do business at all times.
4. Private Acts of 1832, Chapter 94, directed the trustees of Bolivar Academy in Monroe County to collect all the money loaned out to any person in sums larger than \$100 as soon as the same could be done after they were due, and provided that it was unlawful for the trustees to lend any person more than \$100. If the trustees did not collect those loans exceeding \$100 within two months of the date they became due, they forfeited \$100 of their personal funds to any one who might sue for it.
5. Private Acts of 1832, Chapter 114, authorized the school commissioners and trustees of the second township in the second range east of the meridian in the Hiwassee District in Monroe County to apply one half of the proceeds of the school section of said township to the support of two schools in the northeast quarter of the township.
6. Public Acts of 1832, Chapter 41, authorized the board of trustees of school land in Monroe County and in McMinn County to establish, when they deemed it necessary, two school districts in the county which was in addition to those allowed by law.
7. Private Acts of 1835-36, Chapter 65, directed the commissioner of the school lands in Monroe County to pay the sum of \$75.00 to James Vaughn, out of the first rents and profits accruing from

- said school lands after passage of this act, which amount was for services rendered and for money spent out of his own pocket when Vaughn was a school commissioner in 1831 and afterwards.
8. Acts of 1837-38, Chapter 279, permitted the commissioners of the school lands in Monroe County and Roane County to appoint one of their own number to perform so much of their duties concerning the school lands as they thought proper to assign. They could require the appointee to make whatever bond they deemed proper and pay him such compensation as they might determine.
 9. Acts of 1849-50, Chapter 104, incorporated Hiwassee College in Monroe County. This act was amended by Acts of 1855-56, Chapter 232, which repealed the first section which confined the trustees of Hiwassee College to a residency in Monroe County, and set the duration of the corporation of the college at 50 years.
 10. Acts of 1851-52, Chapter 307, authorized and required the trustee of Monroe County to pay to James Vaughn the sum of \$75 out of any money received from the sale or lease, of land which was in payment of services rendered by Vaughn in his connection as a school commissioner.
 11. Acts of 1851-52, Chapter 321, appointed the Hon. E. Alexander, judge of the second judicial circuit of Tennessee, as a commissioner with the authority to adjudicate and settle the claims of the commissioners of the Toco school lands in Monroe County in the Hiwassee District.
 12. Acts of 1855-56, Chapter 267 Sections 10 and 11, created a special school district known as Rural Vale Township. The school district was supervised by commissioners, elected by the people residing in the district, who discharged their duties under the same rules and regulations which applied to the Hiwassee and Ocoee Districts.
 13. Private Acts of 1859-60, Chapter 57, Section 26, authorized the qualified voters of the Toqua School District in Monroe County to elect two additional common school commissioners for the said district.
 14. Private Acts of 1859-60, Chapter 84, Section 2, declared that James Curtis, John Howard and B. C. Pettit, the administrators of the estate of A. D. Gentry, deceased, were entitled to demand and receive the sum of \$75, with interest, from the common school commissioners of the Toqua School District in Monroe County. This amount was expended by them in the defense of lawsuits brought against them as said commissioners.
 15. Private Acts of 1867-68, Chapter 18, appointed James M. Burton, John J. Crippin, John R. Gaines, J. P. T. McKroskey, John M. Magill and Richard W. Hudson, as trustees of Croton College in Monroe County. The trustees organized themselves and managed the affairs of the college according to the stipulation set forth in the law. This property was declared to be exempt from taxation.
 16. Public Acts of 1879, Chapter 144, made it lawful for the trustees of Bolivar Academy in Monroe County to purchase a building lot and to contract to build a suitable house which was used as a male and female academy, retaining the name of Bolivar Academy, which was located in the Town of Madisonville. The trustees were given the power to use any funds on hand for this purpose or they could sell and dispose of any property belonging to Bolivar Academy.
 17. Public Acts of 1895, Chapter 17, declared it legal for the trustees of the Bolivar Academy in Madisonville in Monroe County to sell the lot and the buildings of the said academy on the best terms obtainable and proper and to use the money on the erection of a new and more commodious building for the academy, and to otherwise manage and use said funds as deemed expedient and in the school's best interests.
 18. Private Acts of 1897, Chapter 228, created the Trigonía Special School District out of portions of Monroe, Loudon and Blount counties, which embraced the territory described by metes and bounds in the act. This school district had and enjoyed all the emoluments, rights and privileges as other special school districts. The area was supervised and managed by a board of three directors from each portion of the respective counties. This act was amended by Private Acts of 1901, Chapter 353, so as to exclude the farms of James Norwood and S. O. Montgomery from the Trigonía High School District, which was composed of parts of Monroe, Blount and Loudon counties. Chapter 228 was further amended by Acts of 1903, Chapter 164, so as to change the line of said district to include all the lands of Frank Shaddon and Richard Delashmitt in the Trigonía High School District.
 19. Public Acts of 1899, Chapter 203, authorized school commissioners in the nineteenth and twentieth civil districts of Monroe County to sell the school lands and the growing timber on the school lands in said districts.
 20. Public Acts of 1899, Chapter 258, authorized the trustees of Bolivar Academy, in Monroe County,

- to sell a part of the ground surrounding the academy building.
21. Private Acts of 1901, Chapter 367, created a separate and independent school district for the County Line School which was situated on the line between Monroe and McMinn counties.
 22. Acts of 1905, Chapter 405, created the Chestnut Grove Independent School District out of parts of Monroe and McMinn counties.
 23. Acts of 1907, Chapter 173, authorized the trustees of Bolivar Academy in Monroe County to sell or lease said property.
 24. Acts of 1907, Chapter 280, authorized the school commissioners in the seventeenth and twentieth civil districts of Monroe County to sell school lands and growing timber on the school lands in said district.
 25. Acts of 1907, Chapter 290, created a special school district in Monroe County and provided for the appointment of school directors for the same.
 26. Acts of 1909, Chapter 98, authorized the county court of Monroe County to borrow the permanent school funds of said county and to pay the interest thereon out of any funds that may have been provided by said court. This act also provided for the use of said funds in building dormitories and school buildings and purchase real estate for the Monroe County High School at Madisonville.
 27. Acts of 1909, Chapter 225, provided for and enforced the education of all children between the ages of eight and sixteen years in Monroe County.
 28. Acts of 1909, Chapter 543, required the parent of every child in Monroe County and in Jefferson County between the ages of eight and sixteen years to send their children to school at least sixteen weeks, or 80 consecutive school days, of not less than four hours each, each year, unless the term is shorter than that by law, or unless the child were properly excused, or fell within at least one of the several exceptions prescribed in the act. The commissioner of the poor could assist indigent people in complying herewith by furnishing clothes and text books to children who could not otherwise acquire them. Disobedient parents could be fined from \$10 to \$50 for each offense, and it was further unlawful for anyone to hire a youngster to work during school hours and term. All teachers filed attendance reports, as specified, or forfeit their salary until they did file the reports. The sheriff, his deputies and the constables were all required to enforce the provisions of this law. This act was amended by Private Acts of 1911, Chapter 51, which limited the law to children between the ages of eight and fourteen years.
 29. Private Acts of 1911, Chapter 188, authorized the county school board of Monroe County, together with the school directors of the nineteenth civil district of said county, to sell school lands and the growing timber on the school lands of said district not heretofore sold.
 30. Private Acts of 1911, Chapter 248, formed the Trigonía High School District out of portions of Monroe, Blount and Loudon Counties, fixed the boundary of the same, provided for a board of directors, the licensing of teachers and the transfer or payment of the per capita funds due from each county. This act was amended by Private Acts of 1915, Chapter 665, so as to remove Blount County, from the provisions of that act. Private Acts of 1917, Chapter 74, repealed Private Acts of 1915, Chapter 665.
 31. Private Acts of 1911, Chapter 543, gave the quarterly court in Monroe County at its January, or April term, the duty to levy a tax of not less than ten cents per \$100 of taxable property for the purpose of maintaining one or more high schools in the county.
 32. Private Acts of 1915, Chapter 149 made it the duty of the county court of Monroe County at its January or April term, or at any term at which the general assessments were made, to levy a tax of no less than 20 cents per \$100 for the purpose of maintaining high schools in the county. The court was given the further authority to levy additional taxes to erect high schools in the county when they deemed it best to do so. This act was amended by Private Acts of 1919, Chapter 118, so as to make it the duty and responsibility of the quarterly county court of Monroe County to levy, at its January or April term, or at any term when the general tax assessment was made, a tax of not less than 20 cents per \$100 property valuation in order to maintain three or more high schools in the county, one at Madisonville, one at Tellico Plains, and one at Sweetwater, each one to have the same grades as the others and to run an equal number of days each year.
 33. Private Acts of 1917, Chapter 508, formed an independent special school district out of parts of Monroe, Blount and Loudon, to be known as the Trigonía School District which was described in Private Acts of 1911, Chapter 248, above. The district was specifically authorized to receive its per capita share of all school funds apportioned by the county superintendent of public instruction in each of the three counties. The school directors were elected according to law and were empowered to draw warrants on the county trustee. This act did not repeal Private Acts of 1911,

Chapter 248, above, but was intended to be an assurance of the continued existence of the school district. This act was amended by Private Acts of 1919, Chapter 779, so as to remove all areas of Blount County which might have been a part of the Trigon School District from the provisions of that law.

34. Private Acts of 1919, Chapter 151, authorized the Monroe County Court, together with the school board of said county, to sell a certain tract of land, the proceeds of which were used as a public school fund.
35. Private Acts of 1921, Chapter 431, allowed the Monroe County Quarterly Court to issue no more than \$200,000 in bonds, at an interest rate up to 6%, and to mature in blocks of \$50,000 after 15, 20, 25 and 30 years, the proceeds of which were used to purchase, build and remodel school houses, and to build additions thereto, if needed. All details were present, a tax levy was mandated for the sinking fund, donations could be accepted and used, and the trustee handled the money at no extra compensation. Conditions were laid down for the consolidation of schools over which programs the county school board would preside.
36. Private Acts of 1927, Chapter 73, approved and made lawful a resolution and order of the quarterly county court of Monroe County to provide ways and means to purchase suitable grounds for the building and equipping of a county high school in the Town of Sweetwater. The act provided for a tax levy to provide further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution and order.
37. Private Acts of 1929, Chapter 926, permitted the quarterly court of Monroe County to issue up to \$90,000 in 6%, 40 year, bonds, \$15,000 of which was used to improve and equip a building at Vonore, and \$75,000 was devoted to the erection and equipment of a school building in or near Tellico Plains. The act appointed R. D. Brakebill, A. E. Brakebill and S. H. Tipton as a committee for the work at Vonore, and M. D. Shearer, P. C. Hambrough and Fred C. Payne, to assist in the project at Tellico Plains. The act further issued \$75,000 in bonds at 6% interest for the improvement of the grounds and the erection thereon of a suitable building for a high school, or an elementary school at Madisonville, naming R. C. Kefauver, Lee R. Sloan and Carl Calfee as the committee for this project. This act was repealed by Private Acts of 1931, Chapter 58.
38. Private Acts of 1937, Chapter 16, stated in the preamble that the quarterly court had passed a resolution to make an offer to the Public Works Administration whereby Monroe County paid \$19,000 and the PWA paid \$15,000 to build and equip a high school in Vonore for which a general tax levy of ten cents per \$100 property valuation was made through 1940. This act provided further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution.
39. Private Acts of 1937, Chapter 244, authorized Monroe County to issue and sell interest bearing county warrants in the amount of \$13,500 which provided funds to operate the schools of said county for eight months or repair buildings; and provided for the levy and collection of a tax to retire said warrants with interest.
40. Private Acts of 1939, Chapter 218, validated, confirmed and approved the resolution of the Monroe County Quarterly Court adopted at a special session on January 16, 1939, which authorized the board of education to replace outstanding warrants in the amount of \$13,000, said warrants which were known as the Vonore High School warrants which were due in 1939 and 1940. They were replaced with similar warrants due in 1940 and 1941.
41. Private Acts of 1941, Chapter 144, validated \$18,000 of Monroe County, Tennessee School Funding Warrants, dated January 1, 1941, and the proceedings of the quarterly county court which authorized said warrants and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said warrants.
42. Private Acts of 1947, Chapter 631, was the legal authority for the quarterly court of Monroe County to issue up to \$150,000 in bonds at an interest rate not to exceed 5%, and to mature no longer than 30 years from the issue date, the proceeds of which were used to purchase land, construct and equip school buildings, or repair, remodel, and add to the same. The court was allowed to embody all essential details into proper resolutions to be adopted by the court. These bonds were tax exempt.

Chapter VII - Elections

Districts - Reapportionment

Private Acts of 1911 Chapter 37

SECTION 1. That the Second, Third, Sixth, and Eleventh Districts of Monroe County, Tenn., be, and the same are hereby, abolished, and the territory embraced therein is hereby added to the First District and to become a part thereof and to be known as the First District of said county.

As amended by: Private Acts of 1929, Chapter 548

SEC. 2. That the Fifth, Ninth, and Fifteenth Districts of Monroe County, Tenn., be, and the same are hereby, abolished, and the territory included therein be, and is hereby, attached to and to become a part of the Fourth Civil District of said county, and the same to be known hereafter as the Second Civil District of said county.

As amended by: Private Acts of 1917, Chapter 609

Private Acts of 1929, Chapter 548

SEC. 3. That the Seventh, Twelfth, and Thirteenth Civil Districts of Monroe County, Tenn., be, and the same are hereby, abolished, and the territory included therein be, and is hereby, attached to and become part of the Tenth Civil District of said county, and the same to be known as the Third Civil District of said county.

As amended by: Private Acts of 1917, Chapter 609

Private Acts of 1929, Chapter 548

SEC. 4. That the Eighth and Sixteenth Civil Districts of said county be, and the same are hereby, abolished, and the territory included and embraced therein is hereby attached to and made part of the Fourteenth Civil District of said county, and the same to be hereafter known as the Fourth Civil District of said county.

SEC. 5. That the Seventeenth, Eighteenth, and Twentieth Civil Districts of Monroe County be, and the same are hereby, abolished, and the territory embraced and included therein to be added to and become part of the Nineteenth Civil District of said county, and this district shall be hereafter known as the Fifth Civil District of said county.

SEC. 6. That the office of the Justices of the Peace and Constables in each of the several districts - to wit, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, and Twentieth - be, and the same are hereby, abolished and declared vacant, and it shall be the duty of such officers to deliver to the Justices of the Peace and Constables in the respective civil districts retained, to which the territory of their district is added herein, all the books, papers, and other belongings held by them as such officials.

SEC. 7. That the several voting places in the county shall not be changed herein, but to remain as heretofore. It shall be the duty of the county election officials to appoint officers to hold the several elections at the various voting precincts as heretofore.

SEC. 8. That the County Court shall have the power from time to time to establish other convenient voting precincts, if necessary and proper, or to change the voting places of any of the districts or subdivisions in said districts hereby established in any of the territory of the five districts at any time it may seem proper.

SEC. 9. That the change in the civil districts of said county as provided in this Act shall remain as herein provided until changed by an Act of the Legislature.

SEC. 10. That all laws and parts of laws in conflict with this are hereby repealed.

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

Passed: February 7, 1911.

Private Acts of 1935 Chapter 440

SECTION 1. That the First Civil District of Monroe County, Tennessee, shall be and it is hereby divided into three voting precincts, each precinct (precinct*) to have separate ballot box, and election officers who shall hold elections within the respective precincts, and the commissioners of elections shall hereafter appoint election officials from within each respective precinct to hold elections therein.

SEC. 2. That the first precinct of said District shall consist of that portion of the District lying West of the Southern Railway and North and East of a line beginning where the Southern Railway right-of-way intersects Morris Street, thence with Morris Street, in the Town of Sweetwater, in a Northwesterly direction to Price Street, thence in a Northeasterly direction with Price Street to Oakland Road, thence in a Northwesterly direction with Oakland Road to the Pond Creek Road, thence with the Pond Creek Road in a Northeasterly direction, passing the property of John Scott, the Loudon County line.

The second precinct of the said District shall consist of that portion of the District lying West of the Southern Railway and South and West of the line hereinabove designated. The third precinct of the said district shall consist of that portion of the District lying East and South of the Southern Railway.

SEC. 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: April 12, 1935.

Elections - Historical Notes

Districts - Reapportionment

The act listed below had affected the civil districts in Monroe County, but is no longer operative regarding elections.

1. Private Acts of 1927, Chapter 92, created the sixth civil district in Monroe County and provided for the election of justices of the peace for said district. The act also excluded from the second and fifth civil district the portion of land in Monroe County north of the south bank of the Little Tennessee River. This act was repealed by Private Acts of 1929, Chapter 548.

Elections

The following is a listing of acts for Monroe 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. Public Acts of 1819, Chapter 69, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Monroe, Cocke, Sevier and Blount composed one election district and elected one senator. Monroe and Blount counties jointly elected one representative.
2. Public Acts of 1822, Chapter 1, divided the state into congressional districts for the election of representatives to the United States Congress. The third district included the counties of Monroe, Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton and McMinn.
3. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Monroe, Rhea, Bledsoe, Marion, Hamilton and McMinn composed the fourth electoral district and elected one elector. The presidential election took place on the first Thursday in October, 1824 with the polls being counted at Washington in Rhea County.
4. Public Acts of 1824, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors electors of a president and vice president of the United States. The counties of Monroe, Rhea, Bledsoe, Marion, Hamilton and McMinn composed the fourth electoral district and elected one elector. The presidential election was held on the first Thursday and Friday in November, 1824.
5. Public Acts of 1826, Chapter 3, apportioned the representation in the state legislature. The counties of Monroe, Blount and McMinn composed one election district and jointly elected one senator. In addition, Monroe County elected one representative.
6. Public Acts of 1827, Chapter 17, divided the state into eleven presidential electoral districts for the purpose of electing electors of a president and vice president of the United States. The fourth electoral district was composed of the counties of Monroe, Rhea, Bledsoe, Marion, Hamilton and McMinn. The presidential election took place on the second Thursday and Friday in November, 1828; the polls of which were compared in Washington in Rhea County.
7. Public Acts of 1832, Chapter 4, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Monroe, Knox, Anderson, Sevier and Blount constituted the third congressional district.
8. Public Acts of 1832, Chapter 9, divided the state into fifteen presidential electoral districts for the purpose of electing electors of a president and vice president of the United States. The third electoral district was composed of the counties of Monroe, Cocke, Sevier and Blount.
9. Public Act of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Monroe, Sevier, Blount and McMinn composed one election district and elected one senator. Monroe County elected one state representative.
10. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of revising and amending the state constitution. The counties of Monroe, Washington, Greene,

Cocke, Sevier, Blount and McMinn composed one district and jointly elected one delegate to the state convention.

11. Public Acts of 1835-36, Chapter 39, divided the state into fifteen presidential electoral districts for the purpose of electing electors of a president and vice president of the United States. The third electoral district was composed of the counties of Monroe, Cocke and Blount.
12. Acts of 1842, Chapter 1, increased the representation in the general assembly of the state to 25 senators and 50 representatives. The seventh senatorial district was made up of the counties of Monroe, McMinn, Polk and Bradley. In addition, Monroe County elected one representative alone and share another with Polk and McMinn counties.
13. Acts of 1842, Chapter 7, established eleven U. S. Congressional Districts in Tennessee. The second congressional district included the counties of Monroe, Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier and Blount.
14. Acts of 1851-52, Chapter 196, divided the state into ten U. S. Congressional Districts. The third congressional district consisted of the counties of Monroe, Blount, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion and Roane.
15. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. Monroe County elected one state representative alone and joined the counties of Meigs, McMinn and Polk to become a senatorial district.
16. Public Acts of 1865, Chapter 34, divided the state into eight U. S. Congressional Districts. The second congressional district was composed of the counties of Monroe, Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Polk, McMinn, Bradley and Roane.
17. Public Acts of 1871, Chapter 146, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. Monroe County and Loudon County jointly elected one state representative. The counties of Monroe, Loudon, McMinn, Meigs, Bradley and Polk composed the sixth senatorial district.
18. Acts of 1872 (Called Sess.), Chapter 7, increased the number of U. S. Congressional Districts in Tennessee to nine. The third congressional district contained the counties of Monroe, Blount, Loudon, Roane, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren.
19. Public Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts to ten. In the rearrangement of the counties into districts the counties of Monroe, Jefferson, Sevier, Blount, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan and Union composed the second congressional district.
20. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. Monroe County was allocated one representative and was assigned to the sixth state senatorial district with the counties of Blount, Loudon and Roane.
21. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided the state into congressional districts for the election of representatives to the United States Congress. The third congressional district was composed of the counties of Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White and Warren. This act was amended by Public Acts of 1883, Chapter 237, which again enumerating the counties in the third U. S. Congressional District as Monroe, Polk, Bradley, Hamilton, Meigs, Rhea, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White and Warren.
22. Public Acts of 1891, Chapter 131, divided the state into congressional districts for the election of representatives to the United States Congress. The third congressional district consisted of the counties of Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Grundy, Van Buren, White, Warren, Franklin, Marion and Meigs.
23. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. Monroe County elected one representative alone and shared another floater with Polk County and Loudon County. The seventh state senatorial district contained the counties of Monroe, McMinn, Polk, Bradley and James.
24. Public Acts of 1901, Chapter 109, divided the state into congressional districts for the election of representatives to the United States Congress. The third congressional district comprised the

counties of Monroe, Polk, McMinn, Meigs, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, Warren and Franklin.

25. Public Acts of 1901, Chapter 122, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The sixth state senatorial district included the counties of Monroe, Knox, Loudon and Polk. Monroe County elected one representative alone.
26. Private Acts of 1911, Chapter 262, stated that no registration of voters would be necessary as a prerequisite to voting in Monroe County in any election conducted therein. This act was repealed by Private Acts of 1915, Chapter 305.
27. Private Acts of 1917, Chapter 140, repealed Private Acts of 1915, Chapter 305.
28. Private Acts of 1929, Chapter 437, provided that the registrar of Monroe County be paid \$50 per month in addition to the fees of the office as they were provided under the law. The allowance was for the purpose of hiring a clerk. The amount was paid on the first day of each calendar month on a warrant from the county judge drawn on the regular county funds. This act was repealed by Private Acts of 1933, Chapter 720.
29. Private Acts of 1935, Chapter 656, provided an additional voting place for the Madisonville Precinct in Monroe County, which was designated as the North Madisonville voting precinct.
30. Private Acts of 1951, Chapter 549, required that a supplemental voter registration be held in every voting precinct in Monroe County. The election commission was directed to give at least fifteen day's notice of the supplemental registration of voters in a newspaper published in the county. This registration was conducted at the time specified and in the same manner was observed for a general registration.

Chapter VIII - Health

Ambulance Service

Private Acts of 1981 Chapter 25

SECTION 1. The Director of the Monroe County Ambulance Service is empowered and it shall be his duty when charges for ambulance service become delinquent to issue a distress warrant for the collection of such charges together with any interest and penalty owing thereon from each person who is delinquent in the payment of such charges. Such distress warrant may be addressed and delivered to the sheriff of Monroe County.

SECTION 2. The sheriff into whose hands such warrant may come, or his deputy, may execute such warrant by the distraint and sale of personal property belonging to such delinquent person and the proceedings in respect thereto shall be the same as are provided by law for proceedings under an execution at law from a court of record; and the executing officer shall be entitled to the same fees, commissions, and necessary expense of removing and keeping property distrained as in the case of an execution from a court of record.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Monroe County 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: March 4, 1981.

Landfill Areas

Private Acts of 1972 Chapter 206

SECTION 1. As used in this Act, the following terms are defined as follows:

- (a) "Solid waste." Garbage, refuse, and other discarded solid materials, including solid-waste materials resulting from industrial, commercial and agricultural operations and all garbage, refuse or other discarded solid materials from individual homes, apartments, multiple dwellings, trailers or

other living quarters, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(b) "Person." Any and all persons, natural or artificial, including any individual, firm or association, and municipal or private corporation organized or existing under the laws of this state or any other state, and any governmental agency or county of this state.

(c) "Solid waste disposal system." The relationship of the coordinated activities of and resources for processing and disposal of solid wastes within a common geographical area and under the supervision of any person or persons engaging in such activities.

(d) "Solid waste disposal." The process of placing, confining, compacting, or covering solid waste except when such solid waste is for reuse, removal, reclamation, or salvage.

(e) "Land fill area." Any land area selected for the purpose of solid waste disposal of solid waste material.

SECTION 2. No land fill area for the disposal of solid waste materials in this state shall be constructed and no contract between any person or persons for the purpose of constructing or utilizing the same shall be completed or executed in Monroe County unless the location of said land fill area shall have been approved by the Quarterly Court of Monroe County. Should the Quarterly Court disapprove of said site no further action shall be taken in regard to the construction of a land fill area at that site.

SECTION 3. Any person violating any of the provisions of this Act, or failing, neglecting or refusing to comply with any order or resolution of the Quarterly Court lawfully issued shall be guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation, within the discretion of the court of competent jurisdiction and each day of continued violation shall constitute a separate offense.

SECTION 4. In addition to the penalties herein provided the Quarterly Court may cause the enforcement of any orders or rules issued by them to carry out the provisions of this Act by instituting legal proceedings to enjoin the violation of the provisions of this Act, and the orders or rules of the Quarterly Court in any court of competent jurisdiction, and such court may grant a temporary or permanent injunction restraining the violation thereof. The district attorney general in whose jurisdiction a violation of this Act occurs or the attorney general of the state shall institute and prosecute such suits when necessity therefore has been shown by those herein clothed with the power of investigation.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly Court and certified by him to the Secretary of State.

SECTION 6. 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: February 15, 1972.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1921 Chapter 472

COMPILER'S NOTE: Two local acts are in effect for Monroe County: Private Acts, 1921, Chapter 472 and 1963, Chapter 204, both reproduced herein. The latter act does not repeal the first, but states, in Section 3, "That the duties of the County Superintendent shall be the same as those now provided for by local act and now in existence and applicable to Monroe County." The latter act does, however, provide for the popular election of the Superintendent and for his compensation.

SECTION 1. That in all counties of this State having a population of not less than 22,000 nor more than 22,100, according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of Superintendent of Roads, to be filled by a male citizen of such county, over the age of 25 years, who shall have had experience in road maintenance, and who shall be elected by the Quarterly County Court at the July 1946 term thereof for a four year term to begin on September 1, 1946. Said superintendent of roads to be paid such salary and expense allowance as is fixed by the said Quarterly County Court and make an additional bond for the faithful performance of the duties imposed upon him as

superintendent of roads and the faithful accounting for all public funds received by him as such superintendent of roads in such amounts as is fixed by the Quarterly County Courts in such Counties. Said superintendent of roads shall serve during the term to which he is elected and until his successor is elected and qualified. Elections of superintendents of roads in such Counties shall take place at the July term of the Quarterly County Court in such Counties in every fourth year following 1946 and the superintendent elected thereat shall take his office on the first of September immediately following his election.

The superintendent of roads shall report in writing to each regular meeting of the Quarterly County Court in such counties in detail, the amount of money which he has spent and for what purpose it has been spent during the preceding quarter.

The superintendent of roads shall prepare an annual budget of the anticipated expenditures which he will make during each year beginning the first of July, which budget shall be prepared by him prior to the April term of the Quarterly County Court in such Counties and shall present it to such April term of the Quarterly County Court for approval by such Court. Thereafter, if the said superintendent of roads shall exceed his budget as so ratified by the Quarterly County Court without the prior approval of the Quarterly County Court, he shall be deemed guilty of a misdemeanor as set forth in this Act and shall be subject to removal from office in an ouster proceeding under the general laws of the State relating to ouster of unfaithful public officials.

Said Superintendent of Roads shall maintain an office in the Courthouse in such counties, and shall take over the equipment, fixtures, furniture and supplies that any Board of Public Road Commissioners may or does have on hand, and any and all other and future supplies and office equipment shall be furnished by the county as other county offices are equipped and supplied.

Such Superintendent of Roads shall not have, or receive, directly or indirectly, any interest in or profit arising from any work or contract referred to in this Act, nor any gift or gratuity or benefit from any person or corporation interested in such work or contract; and should he violate the provisions of this Act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$50.00 nor more than \$250.00, and shall be removed from office by the Circuit or Criminal Court. Any vacancy in said office shall be filled by election by the County Court of such county until the next bi-ennial August election.

As amended by:

Private Acts of 1927, Chapter 346

Private Acts of 1943, Chapter 44

Private Acts of 1945, Chapter 452

SEC. 2. That said Superintendent of Roads shall appoint District Supervisors, one in each of the Civil Districts in said counties, the term of employment or appointment to be for one year unless sooner discharged or terminated for reasons satisfactory to the Superintendent of Roads. Each of said District Supervisors shall work in his Civil District 60 days in each year, and shall receive the sum of \$180.00 therefor, to be paid by the Superintendent of Roads upon warrant issued by him to the Trustee of such County, and shall be paid out of the road fund for the district in which said supervisor resides and said work was done.

Said District Supervisors shall, with the aid and advice of the Superintendent of Roads, each assign the labor and road hands in his particular Civil District, and shall appoint such assistant or precinct supervisors as may be necessary, whose duties shall be to warn all road hands and see that honest and faithful work is done by each such road hand, and shall report failure to work, or to do honest and faithful work, to the District Supervisor, who shall prosecute such hands as hereinafter provided.

SEC. 3. That the said Superintendent of Roads shall, through the agencies hereinafter provided, manage and control all public roads and bridges of the county, giving special attention first to graded and macadamized roads and post roads; he shall have control over all road hands and all labor upon the public roads and bridges, and the expenditure of all road and bridge funds. He shall have the right to avail the County of any help from any good roads associations, the State or the Federal Government, either in the way of expert assistance or financial aid. He shall take into possession the road tools and machinery now owned by the County, and may purchase such other tools and machinery as may be necessary to carry out the purposes of this Act, and provide a modern and efficient system of road maintenance. He may make such contracts as may be necessary to properly maintain the system of roads existing in such county, and to the best interest of the public. He shall, in his discretion, have control of all prisoners confined in the County Jail or Workhouse, under workhouse sentences, as provided by law, and may work, or cause them to be worked upon the public roads for such credit on the sentences in time or money as is now, or may hereafter be provided by law for such work, and make necessary provision for guards. Provided that nothing herein shall be construed to relieve the Sheriff or Jailer of any responsibility for such prisoners now or hereafter imposed by law, except when said prisoners are actually at work under the

orders of the Superintendent of Roads. The Superintendent of Roads may work the prisoners confined in the county jail or workhouse under workhouse sentence on the roads or streets of the county seat town of such county at his discretion.

As amended by: Private Acts of 1925, Chapter 580

SEC. 4. That the Superintendent of Roads shall order the payment by the County Trustee by written order of all money collected by taxation and otherwise belonging to the road or bridge fund, for the construction, improvement, working or repairs of public roads or bridges, said orders to be drawn and signed by the Superintendent of Roads. Such orders shall plainly specify (1) The amount to be paid in. (2) To whom. (3) For what the expenditure is made. (4) The district and fund to which same should be charged, and such orders when so drawn and signed, shall be sufficient authority to the Trustee for the payment thereof.

SEC. 5. That the Superintendent of Roads shall keep a minute record of all transactions and an itemized account of all funds paid out by the Trustee and for what purpose, and said records shall be open at all reasonable times to the public and a succinct and complete report of same shall be published in some newspaper published in such counties during the months of May and November of each year.

As amended by: Private Acts of 1933, Chapter 719

SEC. 6. That at the time the county court shall levy taxes for other purposes it shall levy a road tax for the purposes of public road and bridge maintenance, which shall not be less than 10 cents nor more than 25 cents upon each one hundred dollars' worth of taxable property in such county.

SEC. 7. [Deleted by Private Acts of 1945, Chapter 452].

SEC. 8. That the several District Supervisors shall each for his Civil District bring suit before some Justice of the Peace in and for said County, against all persons who shall have been, during the year, subject to highway labor as hereinbefore provided, and who shall have failed to perform honest and faithful work, or failed or refused to work or commute as heretofore provided for, and such delinquent road hand shall, upon conviction, be, by the Justices of the Peace, fined \$2.00 for each day he fails to work, perform honest or faithful work or commute, together with the costs of the suit, which fine shall be by the Justice of the Peace paid to the County Trustee, and by him placed to the credit of the District from which it is collected, and in the event said road hand fails or refuses to pay said fine, he shall be punished as in other misdemeanor cases; provided said party may appeal to the next term of the Circuit Court of his County, upon giving a \$250.00 appearance bond, with good and sufficient security, to be approved by the trial Justice of the Peace.

SEC. 9. That all labor performed, or funds expended, upon the roads or bridges, will be performed under the immediate supervision of the District Supervisor, of the District in which work is being done or expenditure made, with the aid, advice and consent and general supervision of the Superintendent of Roads, and under such directions as said Superintendent of Roads shall deem proper to give. And inasmuch as the purpose of this Act is to effect a real improvement in the maintenance of public roads and bridges, and to secure adequate return for the money and labor subject to application on such roads and bridges, it is hereby expressly provided that no inefficient service shall be accepted, but real labor and full and sufficient service shall be required of all contractors, teams and hands, and a failure to enforce this provision of this Act will constitute misfeasance in office on the part of District Supervisors or Superintendent of Roads responsible therefor, or knowingly permitting the same, and shall subject the party guilty of such to removal from office upon conviction thereof upon indictment or presentment by the Circuit or Criminal Court.

SEC. 10. That said Superintendent of Roads shall have the right and authority to let contracts for maintenance of such parts of roads and bridges herein committed to his care as in his judgment may be advantageous to the best interest of the public. In letting and execution of any contract involving an expenditure of less than \$250.00 the said Superintendent of Roads shall not be required to advertise for bids, but will use his own best judgment and discretion as to the advantage of so doing, being hereby held only to the ordinary care and prudence of business men generally; but in the letting of any contract involving an expenditure of more than \$250.00, advertisement will be made by the Superintendent of Roads in one of the weekly newspapers then being published in the County, which advertisement shall state in general terms the work to be contracted and the time and place of opening sealed bids therefor. Such advertisement shall be run for at least two weeks prior to the day of opening bids, and all such advertisements shall reserve the right to reject any and all bids; and if no bids are received carrying terms which are regarded by the Superintendent of Roads as reasonable and advantageous, all bids shall be rejected and new advertisement made until such reasonable and advantageous bids are received. The said Superintendent of Roads shall have general supervision and control and management of all road maintenance and repair work of the County, and there is hereby conferred upon him all power and authority necessary for the proper exercise of such management, control and supervision, and to do all such things as may be reasonably necessary or incident to the carrying out of the work entrusted to his

care. For failure to faithfully carry out the provisions of this Act the said Superintendent of Roads may, upon conviction upon indictment or presentment, be by the Circuit Court removed from office.

The Superintendent of Roads of Monroe County is authorized to purchase, and contract to purchase, supplies under annual contract. In making any purchase, or letting and executing any contract to purchase, of less than five hundred dollars (\$500.00), the Superintendent of Roads shall not be required to give opportunity for competition by bidding. The Superintendent shall use his own best judgment and discretion, being hereby held to the ordinary care and prudence of businessmen generally.

As amended by: Private Acts of 1980, Chapter 236

SEC. 11. That the Superintendent of Roads shall, before entering upon the discharge of his duties, make with the County Court Clerk a bond in the just and full sum of \$1,000.00, payable to the State of Tennessee, for the use and benefit of the County, conditioned upon his faithful performance of the duties of his office as set out and prescribed by the terms and provisions of this Act, the faithful accounting for all funds and County property coming into his hands as such official. He shall give the several District Supervisors written instruction as to the time and place of working the various sections of roads, and the application of funds thereto; he shall inspect all contract work throughout its execution, and shall not pay for same until all contract provisions have been complied with, reserving no less than 15 per cent of the full contract price as a guarantee that all such provisions will be complied with, until the full completion and compliance therewith.

SEC. 12. That public roads may be opened, closed or changed, at any time, upon application of a majority of the citizens interested in such change or opening or closing of such roads, said application to be by written petition, addressed to the Superintendent of Roads, stating its full purpose and giving the general direction and description of the road, and showing the facts showing the necessity for the road, or change proposed, and said petition shall be by the Superintendent of Roads published in some weekly newspaper in such county for two consecutive weeks, after which all parties whose lands are to be affected or touched by the proposed road shall be served with written notice for at least five days in the manner notices are now served in Courts of Chancery, except non-resident land owners shall be notified by posting said notices upon their lands for said five-day period by some officer qualified to serve notices in such county, which notice shall state when and where the superintendent of Roads shall be present to take action in the premises, and at such time and place said officials shall be present and hear any pertinent matters, such interested parties may present and act in the premises. If, in the judgment of said superintendent of roads, said proposed road or change is of public necessity, he may lay out said proposed road or change, and shall summon three freeholders, who, after being first duly sworn by said Superintendent of Roads, shall constitute a jury of view, and shall proceed to condemn such land as may be necessary, and to assess the damages therefor. Either the Superintendent of Roads or any interested party may appeal from the written findings of the jury of view to the Circuit and Supreme Courts, and any interested party may appeal from the decision of the Superintendent of Roads on the question of such proposed road or change being a public necessity to the Circuit and Supreme Courts.

When parties appeal, bonds for costs and damages, or pauper oaths in lieu thereof, shall be required. The jurors of view shall each receive one dollar per day for their services, and no party of interest or related to party of interest nearer than second cousin, shall serve as a juror. The damages and such costs as shall be properly taxed against the County shall be paid by the Trustee upon order of the Superintendent of Roads out of the funds for the District in which the change is made.

SEC. 13. That the grand juries shall have inquisitorial power over all offenses committed under this Act, and this Act shall be especially given in charge to the grand jury by the Circuit and Criminal Judges.

SEC. 14. That nothing in this Act shall be construed, as to affect, impair, or change the authority, rights and duties of any Board of Pike Commissioners heretofore created and now existing under legislative acts for the carrying on of Pike road improvement or construction work.

SEC. 15. That each District Supervisor in said counties is hereby required to classify and lay out the roads of his Civil District in sections and to appoint one assistant supervisor for each section of road so laid out. The District Supervisor shall make, or cause to be made, a full and complete list of all hands subject to road duty, and see that the several assistant supervisors require road hands to either work or commute for same as required by this Act. Each person subject to road duty shall work not less than five days, and not more than eight days in each year (nine hours shall constitute a day's work) or pay \$10.00 in case in lieu thereof as hereinbefore provided. The labor to be performed at such time and place as the Assistant Supervisor or District Supervisor, or Superintendent of Roads may direct, but not later than October 1st of each year, and the cash paid for commutation not later than November 1st of each year.

SEC. 16. That the Assistant Supervisor shall give all hands subject to road duty at least three days' notice in person or by written letter or notice left at his residence, or usual stopping place, of the time and place of working. And when such Assistant Supervisor willfully fails or refuses to give such notice to any such

road hand, said Assistant Supervisor shall be held, and hereby is made liable for the \$10.00 commutation money due from each such hand, and for failure to pay same shall be punished in each instance as such hand would have been, had he been legally notified and failed to appear and work. Any hand subject to road duty may work part of the time and pay for the remainder of the time, if he so desires. Any hand subject to road duty may furnish a substitute, provided such substitute is not under 16 years of age. Any hand or substitute subject to road duty, may be dismissed by the Assistant Supervisor or the District Supervisor for failure to put in good time and do honest and faithful work or refusal to obey orders.

SEC. 17. That each Assistant Supervisor shall serve 5 days without compensation and for each additional day of active service, he shall receive \$2.50 per day, but in no event shall he receive more than \$15.00 for any one year, provided that if any civil district has funds sufficient to hire hands to work on the roads, or in a case of emergency where it is necessary to remove obstruction or make repairs, said Assistant Supervisor may be allowed additional compensation for services so rendered, but same shall be at the rate of \$2.50 per day. All hands assigned to each Assistant Supervisor must be worked at the same time if same is practical, and the Assistant Supervisor shall not be allowed pay for superintending hands who fail to work on the days designated. Each Assistant Supervisor shall file with the District Supervisor an itemized account showing the number of days and dates of same devoted by him to the discharge of his duties, such to be filed not later than the 15th of November of each year, and he shall at that time file a list of all hands subject to road duty, who have failed to work or commute in lieu of work. Said District Supervisor shall supply the Superintendent of Roads with one copy of such report and shall retain one on file, and shall immediately proceed as provided in Section 8 hereof.

The District Supervisor shall have the right to fix a reasonable price for the Assistant Supervisors of their several districts to allow hands for teams, same to be in cash or time on road duty.

SEC. 18. That the Sections of this Act and parts thereof are declared hereby to be independent sections and parts of sections and the holding of any section or of any part thereto, to be unconstitutional, void or ineffective for any cause shall not affect any other section or part thereof.

SEC. 19. That except as herein otherwise provided, all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 20. That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 22, 1921.

Private Acts of 1945 Chapter 454

SECTION 1. That the superintendent of roads in Monroe County shall report in writing to each regular meeting of the Quarterly County Court of the said county the amount of work which has been done under his direction during the preceding three months and the money which has been spent by him and under his direction from the funds of the County during such three months. Said report shall be detailed and itemized in every respect so that the members of the Quarterly Court of Monroe County will be able to determine and inspect the entire operations of the office of the superintendent of roads without further accounting breakdown.

SEC. 2. That the superintendent of roads in Monroe County shall appear before each regular Quarterly County Court meeting and answer questions with regard to his said report.

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

Passed: February 27, 1945.

Private Acts of 1963 Chapter 204

Compiler's Note: Two local acts are in effect for Monroe County: Private Acts, 1921, Chapter 472 and 1963, Chapter 204, both reproduced herein. The latter act does not repeal the first, but states, in Section 3, "That the duties of the County Superintendent shall be the same as those now provided for by local act and now in existence and applicable to Monroe County." The latter act does, however, provide for the popular election of the Superintendent and for his compensation.

SECTION 1. That there is hereby created and established in Monroe County, Tennessee, the office of County Superintendent of Roads which position shall be filled in an election by the qualified voters of said County. Provided, however, that nothing in the provisions of this Act shall interfere with the present County Superintendent of Roads from completing the term of office to which he has previously been elected.

SECTION 2. That at that regular general election to be held in August 1966, the qualified voters of Monroe County shall elect some qualified person as County Superintendent of Roads, and the person so elected shall serve for a period of four (4) years. The person elected to such office at the August election 1966, and those elected every four (4) years thereafter under the provisions of this Act shall take office on the first day of September following their election, and shall hold office for a term of four (4) years and until their successors shall be elected and qualified.

SECTION 3. That the compensation of the County Superintendent of Roads shall be the sum of Ten Thousand Dollars (\$10,000.00) per year, payable in equal monthly installments. That the duties of the County Superintendent of Roads shall be the same as those now provided for by local act and now in existence as applicable to Monroe County.

As amended by: Private Acts of 1969, Chapter 122

SECTION 4. That in the event a vacancy occurs in the office of County Superintendent of Roads in Monroe County after the first day of September, 1966, on account of death, resignation or for any other reason or cause, the Quarterly County Court of Monroe County shall elect some person to fill said vacancy as County Superintendent of Roads until a successor shall be elected at the next general election to be held in said County.

SECTION 5. That this Act shall have no effect unless the same shall be approved by a majority of the qualified voters in a special election to be held in Monroe County for such purposes. It shall be the duty of the County Board of Election Commissioners of Monroe County to call a special election to be held in said County on the fourth Saturday in May 1963, the date being May 25, 1963, in all voting precincts of said County accepting or rejecting the provisions of this Act. Not less than thirty (30) days' notice shall be given by said County Board of Elections of the calling of said special election which is to be held on May 25, 1963. The ballots to be used in such election shall have printed thereon the caption, title or general substance of this Act, and, in addition the following words:

FOR ADOPTION OF ACT

AGAINST ADOPTION OF ACT

and the qualified voters of said County shall cast their vote for or against the adoption of this Act. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday next after the date of said election, and the result of said election shall be proclaimed by said County Board of Election Commissioners and certified by them to the Secretary of State. The said election is declared to be for a county governmental purpose and the costs of conducting said election shall be paid from the general funds of said County. The qualification of voters to vote in said special election shall be the same as now provided for by law for participation in general election in the State of Tennessee and all laws applicable to general elections in the State of Tennessee shall likewise apply to the general election herein provided for.

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

Passed: March 18, 1963.

Highways and Roads - Historical Notes

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

1. Private Acts of 1825, Chapter 312, authorized Joshua Parsons and John Isbell, of Monroe County, to cut and open a turnpike at the mouth of Adam's Creek on the Tennessee River near Chilhowee, following the nearest and best way to the North Carolina line on the top of the Smoky Mountains, the same to be built under all the normal regulations and restrictions. The act appointed Henry Stephens and Nathan Hendrix as commissioners to examine the road periodically and report its progress to the court.
2. Private Acts of 1826, Chapter 62, made it the duty of the county court of Monroe County on the first day of its January term to appoint jurors to assess the damages for fences to be built along public roads. No one who lived over a mile from the fences was compelled to work on them.
3. Private Acts of 1833, Chapter 75, permitted David Russell, Arthur H. Henly and Nicholas Byers, proprietors of the Unacoy Turnpike Road, to enter in the office of the entry taker of the Hiwassee District, 816 acres of land occupied by them on the Tennessee River in Monroe County.
4. Private Acts of 1833, Chapter 161, provided that the owners of the Unacoy Turnpike Road would

be liable and subject to presentment and indictment in Monroe County if the their road was out of repair.

5. Acts of 1839-40, Chapter 17, authorized James Vaughn and James Ghormley, both of Monroe County, to open a turnpike road commencing at the top of Unica Mountain at the North Carolina state line to the Ghormley residence in Monroe County.
6. Acts of 1843-44, Chapter 108, authorized John Strutton to open and maintain a turnpike road from Turkey Creek to the North Carolina line near the head of the Tellico River and running in the direction of the Valley River Gold Mines. The act contained specifications for the road which was to be completed within one year and a schedule of tolls to be charged when it was finished and in operation. The act named James M. Bickwell, William Taylor and Thomas Blair, as commissioners, to inspect and examine the road and to perform other prescribed duties at a compensation rate of \$1.00 per day for each day devoted to such tasks.
7. Acts of 1843-44, Chapter 109, incorporated the Citico Turnpike Company naming H. M. D. McElrath, S. S. Glenn, Joseph S. Milligan, James Harrison and V. A. Harris, all of Monroe County, as the incorporators. A capital stock of \$30,000 could be sold and subscribed by the corporation to build the road which ran from Maryville to Blount County along the route specified in the act to the North Carolina state line completely traversing Monroe County.
8. Acts of 1849-50, Chapter 256, authorized the laying out of a public road from the Town of Athens, in McMinn County, to Tellico Plains, in Monroe County. All of this act, except Section 4 and 5, was repealed by Acts of 1851-52, Chapter 9.
9. Acts of 1851-52, Chapter 265, authorized John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, of Monroe County, to open and keep up a turnpike road. The road ran from Hedgecock's on Spring Creek to Turtle Town in Polk County, intersecting the road which went to Blairsville, Georgia.
10. Private Acts of 1859-60, Chapter 114, directed the county courts of Monroe, Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Polk, Cheatham, Washington and Cannon to classify all the public roads of their respective counties into three classes, as defined, and to assess the properties alongside each road accordingly. The money derived therefrom was applied to the maintenance of these roads under the direction and supervision of the county court. Any taxpayer living along these roads could work on the roads under certain conditions at the rate of \$1.00 per day.
11. Private Acts of 1869-70 (1st Sess.), Chapter 69, granted to John C. Vaughn, David Cunningham, David E. Hedgecock and John Prock, their heirs and assigns the further time of five years to open and keep open a turnpike road as was provided in an act passed January 20, 1852.
12. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in all counties having a population of under 70,000, according to the 1900 Federal Census.
13. Private Acts of 1901, Chapter 429, was the legal authority for the quarterly court of Monroe County, a majority of the justices being present, to issue up to \$100,000 in bonds, at an interest rate of 5%, or less, and to mature from 25 years to 30 years after date of issue to build the ten pike roads named and specified in the act. The court appointed three commissioners to organize and supervise the program who had the right to employ engineers and other professionals to assist them in indexing and classifying the roads in the county and to provide other needed technical assistance. The commission was required to write reports, maps, charts, prepare specifications and cost estimates and file all with the quarterly court who were required to vote on each separate item. This act was repealed by Acts of 1903, Chapter 90.
14. Acts of 1909, Chapter 82, was the legislative sanction for the quarterly court of Monroe County to hold a referendum election on the question of issuing \$100,000 in bonds to be used to locate, build and improve pike roads. If approved by the people, the court would then proceed to issue the bonds observing all the detailed requirements of the act. A tax levy was required to amortize the bonds over the scheduled maturity period of the bonds which the trustee was obligated to collect and attend to otherwise. The county judge must appoint three pike commissioners to supervise the program, exercise all the powers granted in the act and submit periodic reports to the court on the status of the program. A list of 18 sections of roads was set up in the act on which the bond funds were proposed to be spent.
15. Private Act of 1911, Chapter 484, authorized the county court of Monroe County to issue and sell and provide for the payment of county bonds for the purpose of locating, building and improving certain public or pike roads in said county. This act was amended by Private Acts of 1913, Chapter 84, by adding to Section 7, immediately after the description of the road in Section 20, the

- provision that \$5,000 of the money be expended within the corporate limits of Sweetwater under the supervision of the pike road commission and \$5,000 also be spent within the city limits of Tellico Plains under the supervision of the mayor and aldermen. Private Acts of 1913, Chapter 305, further amended Private Acts of 1911, Chapter 484, by adding to Subsection
16. Section 7, a provision that the road commissioners could construct the said road from Tellico Plains to Ball Play by way of Belltown if the route were considered by them to be more practical and desirable. Section 18 was changed to read "from Vonore to the proposed bridge near Dawson's Springs and thence up the Tennessee River to within one mile of the Citico Creek, a distance of about nine miles.
 17. Private Acts of 1915, Chapter 157, regulated the laying out, working, changing, opening and closing of public roads in Monroe County. The act created a three member board of public road commissioners; provided proper management and control of county jails and workhouses with respect to public roads. This act was repealed by Private Acts of 1917, Chapter 699.
 18. Private Acts of 1917, Chapter 660, allowed the quarterly court of Monroe County to call an election on the question of issuing \$30,000 in bonds which were used exclusively by the pike road commissioners to lay out, grade and rock two sets of roads which were enumerated in the act, \$15,000 were spent on each group. The details of the issue conformed to and coincided with Private Acts of 1911, Chapter 484, above, except that the maturity limit on these bonds could go up to 25 years. All the duties and obligations imposed in Private Acts of 1911, Chapter 484, were carried over into this act.
 19. Private Acts of 1917, Chapter 700, was a general road law for Monroe County. The quarterly court of Monroe County at its January term in 1917, and every two years thereafter, elected a road commissioner to have and exercise the general supervision over all the county roads and bridges, who were skilled in all phases of road work and who were paid \$3.50 for each day spent in the discharge of his duties. A civil engineer could be employed by the commissioner to make official maps and use them to classify and index all county public roads into three classes according to the standards set up in this law. All roads were worked on contract awarded on bids submitted to maintain the roads for two years. Contracts were awarded under the direction of a committee appointed by the court, who drew up the standards of maintenance with which the successful bidder had to comply with. Under the procedures established in this law, the commissioner could dispose of petitions to open, close and change roads and to acquire property by condemnation when necessary. The county court clerk was ordered to collect a general road tax levied by the court from 15 to 30 cents per \$100 property valuation, a head tax of \$3.00 on all males between ages of 21 and 45, and a vehicle tax which was scheduled according to size and type of vehicle. Contractors furnished all tools, equipment and materials required for them to perform their contracts. The commissioner, the county judge, the chairman of the court and the county clerk were all charged to keep adequate records. No board of pike commissioners appointed under bond issue legislation was affected by this act. Steep grades were reduced wherever possible and their creation in the future studiously avoided. Workhouse prisoners worked on the roads but all provisions and conditions of state law and this act were strictly observed.
 20. Private Acts of 1919, Chapter 107, authorized the pike road commissioners of Monroe County to carry out an order made by the county court at its July, 1917, term which instructed said commissioners to abandon the road from Ballards to Christianburg and grade a road from McSpadden's farm on the Athen road to Christianburg.
 21. Private Acts of 1919, Chapter 119, gave the Monroe County Quarterly Court, a majority of the justices being present, the authority to issue up to \$30,000 in bonds, at an interest rate not to exceed 6%, and on a maturity schedule no longer than 12 years, to lay out, improve, grade and macadamize the two roads described in the act, running from Madisonville to Pavo, about 12 miles, and from Sloan's store on the Ball Play Road to Tom White's place on the Niles Ferry Road. The act named G. L. Henderson, Jr., W. W. Carson and G. M. Cagle, as commissioners to carry out the terms and provisions of this act. The commission was required to keep proper records and submit reports on the status of the projects. The roads were required to meet the standards established in the act. The commissioners were paid \$60 annually.
 22. Private Acts of 1919, Chapter 125, was the legislative authority for the quarterly court to issue up to \$7,500 in bonds, or to otherwise appropriate money to build a well graded road from the old John Rutherford farm in the eighth civil district running northwest through the lands of the individuals and the cities mentioned for a distance of six and one-half miles.
 23. Private Acts of 1919, Chapter 158, permitted the quarterly court to issue bonds, or county warrants, to grade a road beginning on the Madisonville and Tellico Road about four miles south of

Madisonville, following the old Federal Road to Wilson's Station on the Athens - Tellico Road. If bonds were issued, they were payable at such times and places as the quarterly court would determine.

24. Private Acts of 1919, Chapter 255, provided Monroe County with a general road law. A three member board of public road commissioners was established whose members served staggered terms initially, and afterwards were appointed for three years. The county court selected the first commissioners at the first quarterly meeting following the passage of this act. No state, county, or city official was eligible to serve on this board and all vacancies were filled at the next quarterly meeting of the county court subsequent to the occurrence of the vacancy. No compensation was paid to the commissioners except \$4 for one day during the quarterly court meeting. No commissioner had any personal interest in any of the business of the board, violators were subject to fines from \$50 to \$250 and expelled from office. The board had the right to employ a competent person for one year as a road supervisor who was in immediate charge of the entire road program at a salary to be set by the county court which could not exceed \$4 a day up to 150 days each year for the supervisor and \$3 per day up to 60 days each year for the district supervisors. Powers were granted both generally and specifically which included the supervision of the workhouse and the prisoners who were subject to road labor. Accurate and sufficient records were kept of all transactions. The county court was required to levy a general road tax of not less than 10 cents nor more than 25 cents per \$100 property valuation. All males, between the ages of 21 and 45 had to work from five to eight days on the roads, or pay \$6.25, as a commutation fee. Failure to comply with either of the above could result in a fine of \$1 per day for each day missed in addition to the other requirements. Labor was performed and funds expended as nearly as possible in the district of residence or where funds were collected. The commissioners could solicit bids, award contracts and generally supervise all the work. The board disposed of a petition, to open, close, or change roads and highways. Road hands who did not do acceptable work could be dismissed. This act was amended by Private Acts of 1920 (Ex. Sess.), Chapter 42, so as to increase the pay of the road superintendent from \$3.50 to \$4.00 per day but not to exceed 40 days each year and by changing 150 days as the maximum for the board members to serve to 200 days a year.
25. Private Acts of 1919, Chapter 500, authorized the creation of a joint road fund in Monroe and Loudon counties and authorized the construction of certain roads and appointment of commissioners for that purpose.
26. Private Acts of 1921, Chapter 51, authorized Monroe County to issue up to \$18,000 in bonds, to mature no later than 20 years from date of issue, to lay out, improve and grade a road beginning about two miles south of Tellico Plains and running to the old nineteenth civil district line by way of the bridge at Conasauga Creek, Holly Springs schoolhouse, and intersecting with the old Athens and Murphy Road. G. W. Williamson, Tom Crow and W. W. Williamson were appointed as commissioners who, after being sworn and bonded, supervised the program within the guidelines provided in the act, and existing laws, which included the exercise of eminent domain, the solicitation of bids and award of contracts. The commissioners were paid \$50 each a year. The road specified herein was to be completed within three years from the date of this act at which time the authority granted to the commission ceased and supervision of the road came under the road department.
27. Private Acts of 1921, Chapter 68, authorized Monroe County to issue up to \$10,000 in bonds, payable at such times and places as the quarterly court should decide, which were used to grade the road beginning at or near the Oak Grove Baptist Church on the Madisonville- Morganton Road so as to connect with the Sweetwater-Vonore Pike, at or near the Burton Place, by way of Acorn Gap and across the bridge over Bat Creek near Henly Bridge.
28. Private Acts of 1921, Chapter 90, authorized Monroe County to issue bonds up to \$1,500, at 6%, or less, interest, maturing as the court decided, the proceeds of which were spent to grade and improve a road from the old Cross Roads in the old eighth civil district, near the Newkirk Place to and intersecting the Tellico Plains - Coker Creek Road near the Unicoi Church in the old fourteenth civil district, a distance of one and three-quarters miles.
29. Private Acts of 1921, Chapter 220, enabled the quarterly court of Monroe County to issue up to \$7,000 in bonds to upgrade, or build, the road running through the lands of Luther Harris, Georgia Stakely, Charlie Harris, John Daily, John Toony, Tom Moses, Walter Smith, Hugh Toony, John Avens, Andy Moses, O. G. Moses, John Saffles, Berry Belcher and Ike Isbell, a distance of about seven miles. The court could appoint a commission if it desired.
30. Private Acts of 1921, Chapter 221, authorized Monroe County to issue bonds of up to \$12,000 by the quarterly court, to be spent on building three roads as they were described in the act, one

being the Jalapa and Ivy Road. The act named W. E. Lee, W. M. Hamby and Wiley Gay as commissioners who supervised the program.

31. Private Acts of 1921, Chapter 222, authorized the quarterly court of Monroe County to issue up to \$50,000 in bonds to macadamize the road leading from Madisonville to Ball Play by way of Hensley's Store.
32. Private Acts of 1921, Chapter 232, authorized Monroe County to issue bonds up to \$4,500 by the quarterly court to build a road starting at the home of D. C. Smith in the eighteenth civil district near where the bridge crosses Conasauga Creek to the J. A. Tate property and store intersecting with the Dry Creek and Mecca Road, a distance of about eight miles. Dave Smith, James Cale and W. W. Williams were named commissioners of this program.
33. Private Acts of 1921, Chapter 233, authorized Monroe County to issue \$45,000 in bonds on a maturity schedule not to exceed 24 years. The purpose of the bonds were to lay out, improve, grade and macadamize two roads which were described in the act, one running from Hensley's Store in the thirteenth civil district to R. H. Stephens on Ball Play Road and the other starting at Lou Hunt's crossing on Madisonville - Tellico Pike to a point near the Fairview schoolhouse, a distance of about two miles. The act appointed W. C. Irlus, Charlie Dye and R. T. Ghormley as commissioners.
34. Private Acts of 1921, Chapter 279, authorized the quarterly court of Monroe County to issue up to \$6,500 in bonds, at an interest rate not to exceed 6%, and to mature no longer than 30 years from the date of issue, to build a well graded road in the old ninth civil district which began at the old abandoned right of way of the L. & N. Railroad on the Tom Roger's farm on Island Creek, running west by way of Walnut Grove Methodist Church to the Oak Grove Baptist Church on the Madisonville-Morganton graded road.
35. Private Acts of 1921, Chapter 287, allowed the Monroe County Quarterly Court, a majority of the justices being present, to issue up to \$100,000 in bonds to lay out, improve, grade and macadamize the road from Walter Millsap's store to Colderwood, a distance of about 20 miles and to macadamize the road from Mayme Sue McGee's place to Colderwood, a distance of about 22 miles. The act named Jake Sheets, Joseph A. Rasor and Ples Henry as commissioners, who were paid \$60 a year for three years, and who operated under the administrative restrictions established in the act to accomplish the program objectives.
36. Private Acts of 1921, Chapter 475, authorized the quarterly court of Monroe County to issue up to \$35,000, or any part thereof, in bonds, at an interest rate no more than 6%, and to levy a tax for the sinking fund to amortize the said bonds over the maturity schedule established by the court, the proceeds of which were used to macadamize, or gravel, the Christianburg Road from the intersection of the Sweetwater and Madisonville and Athens Pike, a distance of about ten miles. Also included was another road running from the Eastonville Valley to the McMinn County line for both of which the court could appoint commissioners, if desired.
37. Private Acts of 1921, Chapter 492, stated that, subject to the approval of the people in a referendum election on the second Thursday in May, 1921, Monroe County, acting through the county judge, the county court clerk and the Good Roads Commission, could issue up to \$765,000 in bonds, at an interest rate of no more than 6%, and to mature no later than 40 years from the issue date, in accordance with the requirements detailed in this act. The act appointed Lee R. Sloan, Dr. E. J. Fonte and J. R. Cardin as commissioners, giving them the power to execute all actions essential to the accomplishment of the road program itemized in this law which consisted of 28 segments of roads and the amount to be spent on each. The commissioners, whose terms lasted until the completion of the program were paid \$5 for each day devoted to their duties. The commissioners were required to keep an office open for business in the courthouse and to solicit bids and award contracts within the limitation prescribed in the act.
38. Private Acts of 1921, Chapter 835, authorized Monroe County to issue \$7,000 in bonds, which matured no longer than 20 years after the issue date, to lay out, improve, grade and macadamize a road in Monroe County starting at or near Moody's Mill on the Pavo graded road and running southeast past the property of G. G. Webb, and continuing to the ball play graded road at or near the property of J. T. Curtis, a distance of about three miles. H. L. Denton, J. T. Curtis and G. G. Webb were named as commissioners to exercise the powers granted to them to complete the program set out herein.
39. Private Acts of 1923, Chapter 304, amended Private Acts of 1921, Chapter 472, so as to fix the number of days at five in which all males between the ages of 21 and 45, outside of cities were required to work on the county roads. This act was repealed by Private Acts of 1945, Chapter 452.
40. Private Acts of 1927, Chapter 178, amended Private Acts of 1921, Chapter 472, to provide the

sum of \$25 per month to all road superintendents for their traveling expenses which were in addition to all other compensation, payable on a warrant issued by the county judge, or chairman, on regular county funds. This act, which applied only to Monroe County, was repealed by Private Acts of 1945, Chapter 452.

41. Private Acts of 1927, Chapter 347, subject to approval by the people in a referendum election, allowed the quarterly court to issue no more than \$170,000 in bonds at an interest rate up to 6%, and to mature no later than 40 years, but at such intervals of time as the county judge, the county court clerk and the Good Roads Commission might agree upon. The details of the bond forms and the bond issue were contained in the act. The court elected three good road commissioners who were in overall control of the program, who hired an engineer to assist them, who acquired rights of way by purchase, or condemnation, who solicited bids and awarded contracts where proper and who hired a clerk for record keeping chores. The commissioners were to be paid \$5 per day for their services. Six roads to be improved and the amount to be spent on each one were listed in the act. This act was amended by Private Acts of 1929, Chapter 253, which added a provision that a trustee coming into the office before all the proceeds of these bonds were expended was allowed a commission of 1% only upon the money coming into his hands and that had not come from the bond funds, but from the general funds of the county.
42. Private Acts of 1929, Chapter 261, amended Private Acts of 1921, Chapter 472, so as to provide that the necessary traveling expenses of the superintendent or roads be paid by the county; payments of which did not exceed \$50 per month. The payments were in addition the regular compensation paid. This act was repealed by Private Acts of 1945, Chapter 452, in Section 4.
43. Private Acts of 1931, Chapter 323, recited in its preamble that the quarterly court of Monroe County had adopted a resolution to lay out and improve certain roads in the county and set up specific tax levies of twenty cents per \$100 to finance the same, which resolution was copied verbatim into this act. This act ratified, confirmed and validated the resolution and all the actions of the county court in connection with it, as if the legal authority had existed at the time. The tax levy of twenty cents was also ratified, but was to be levied at a rate of five cents for next four years.
44. Private Acts of 1939, Chapter 420, provided that the road superintendent of Monroe County be paid the sum of \$50 per month for traveling expenses in performing his duties, payable out of the general county funds, and to reimburse such road superintendent from September 1, 1938 to the date of this act. This act was repealed by Private Acts of 1945, Chapter 453.
45. Private Acts of 1943, Chapter 442, amended Private Acts of 1921, Chapter 472, by striking out all of Section 1 except the first four lines and inserting in place of the stricken passage a provision for an annual salary of \$2,400 for the road superintendent, payable on warrants drawn on the common road fund at the rate of \$200 per month on the first day thereof for the preceding month. This act was made retroactively effective on September 1, 1942. This act was repealed in Section 5, Private Acts of 1945, Chapter 452.
46. Private Acts of 1947, Chapter 165, authorized Monroe County to issue and sell \$125,000 in road bonds. This act provided for the use of the proceeds thereof and for the levy of taxes to pay the principal and interest on said bonds, and validated the original indebtedness authorized to be paid from the proceeds of said bonds.
47. Private Acts of 1949, Chapter 81, allowed the Monroe County Quarterly Court by a majority vote to order an audit of the books of the road superintendent once each year as they deemed necessary. The audit was made by the state auditor, or any C.P.A., the cost was paid out of general county funds.
48. Private Acts of 1963, Chapter 209, stated that the road superintendent of Monroe County be paid \$100 per month for the use of his personal automobile in the performance of his duties which were in addition to any salary paid to him, and any reimbursement of expenses as heretofore provided. This act was rejected by the quarterly court and never became an effective law under the provisions of the Home Rule Amendment to the state constitution

Chapter X - Law Enforcement

Sheriff

Private Acts of 1943 Chapter 453

SECTION 1. That in Counties having a population of not less than 24,270 and not more than 24,280 according to the Federal Census of 1940, or any other subsequent Federal Census, and in those Counties wherein the County Jail has been declared a workhouse that it shall be the duty of the ex-officio Superintendent of such workhouse, the Sheriff of such Counties, to do and perform the following acts:

Make and file weekly reports with the County Judge, or Chairman, of said Counties showing:

The name of each prisoner.

The number of prisoners in said workhouse during each week.

The number of hours each prisoner has worked.

The location in the County where each prisoner worked and the type and class of work each prisoner did during the week.

To report all cases wherein workhouse bonds have been taken.

SEC. 2. That it shall be the duty of the said Superintendent to furnish the Criminal Court Clerk a copy of the weekly report filed with the County Judge, or Chairman.

SEC. 3. That the compensation of such ex-officio Superintendent performing the duties as herein provided shall be the sum of One Hundred Seventy-five Dollars (\$175.00) per month, payable monthly out of the general funds of the County by warrant drawn on the Trustee of said Counties.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this Act are repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1943.

Law Enforcement - Historical Notes

Militia

Those acts once affecting Monroe County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Monroe County composed the sixty-seventh regiment of the first division. Monroe County held regimental musters on the second Saturday of November. This act was repealed by Public Acts of 1978, Chapter 595.
2. Private Acts of 1821, Chapter 184, scheduled the time for holding annual musters for the militia of Monroe County, the sixty-seventh regiment, on the first Saturday after the first Tuesday in October each year.
3. Public Acts of 1825, Chapter 69, was an entirely new military code and militia law for Tennessee whose forces were composed of free men and indentured servants. The militia of Monroe County composed the sixty-seventh regiment of the seventh brigade. The militia of Monroe County held regimental musters on the second Saturday in November.
4. Public Acts of 1826, Chapter 18, provided that the Monroe County musters be held on the Thursday and Friday preceding the company muster that preceded the first regimental muster in the county.
5. Private Acts of 1829-30, Chapter 41, formed a volunteer company known as the Washington Blues which was formed in the Town of Tellico in Monroe County, which unit held its drills in that city and could be attached to whatever regiment its men might select.
6. Public Acts of 1835-36, Chapter 21, rewrote the military code and militia law for the state pursuant to the requisites of the 1835 Constitution of Tennessee. This act, being rather lengthy, covered all phases of the militia organizations and their internal disciplines and organization throughout the state. The militia of Monroe County composed the twenty-sixth and the twenty-seventh regiments of the sixth brigade, first division.
7. Acts of 1837-38, Chapter 157, scheduled the annual muster and regimental drills for every county in the state. The militia of Monroe County held muster on the Monday and Tuesday following the first Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
8. Acts of 1839-40, Chapter 56, reenacted the militia law and military code for the state covering every matter of discipline, organization and operation. The militia of Monroe County formed the twenty-sixth and twenty-seventh regiments of the sixth brigade. Monroe County held regimental

musters on the second Monday in October for the twenty-sixth regiment, while the twenty-seventh regiment held musters on the second Thursday of October.

9. Acts of 1845-46, Chapter 76, provided that after the passage of this act, the militia in the third civil district of Morgan County and the militia in the nineteenth civil district of Monroe County would be exempted and excused from attending battalion and regimental musters. The units, however, continued to attend all company musters and the company captain reported the company attendance to the regimental commander.
10. Private Acts of 1861, Chapter 1, reenacted the militia law and military code for the state covering every matter of discipline, organization and operation. The militia of Monroe County formed the twenty-sixth and twenty-seventh regiments of the sixth brigade. Monroe County held regimental musters on the second Monday in October for the twenty-sixth regiment, while the twenty-seventh regiment held musters on the on second Thursday of October.

Offenses

The act briefly summarized below fell into this category in Monroe County.

1. Private Acts of 1949, Chapter 126, amended Section 11202 of the code of Tennessee so as to allow the exhibition of movies on Sunday lawful in Monroe County between the hours of 1 p.m. to 6 p.m. and between 8:30 p.m. to 11 p.m.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Monroe County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 123, authorized the sheriffs of Monroe, Jackson, Cocke, Knox and Lawrence County to appoint three deputies who were subject to the same laws, rules and regulations as other deputies. This act was repealed by Private Acts of 1978, Chapter 248.
2. Private Acts of 1831, Chapter 193, allowed John McCroskey, a former sheriff of Monroe County, the further time of two years from the passage of this act to wind up and complete the business of the former sheriff with all the powers and emoluments which sheriffs commonly enjoy.
3. Private Acts of 1833, Chapter 49, granted to John F. Henderson, a former sheriff of Monroe County, the additional time of two years after January 1, next, to collect all taxes, costs and sums due him which accrued during his terms as sheriff and collector of public taxes in the county. The sheriff had the same rights and was subjected to the same restrictions as existed when he was the sheriff.
4. Acts of 1837-38, Chapter 306 authorized the sheriff of the counties of Monroe, Maury and Hawkins to appoint one additional deputy over and above the number allowed by law.
5. Acts of 1845-46, Chapter 173, Section 2, named William Heiskell, William Henderson and John Wilson as commissioners to settle and adjust the claims of the state against Walter Henderson, the late sheriff of Monroe County, for revenue due the state for the years 1842 and 1843. Their authority included the right to settle the claims on terms they considered to be in the best interests of the state.
6. Acts of 1849-50, Chapter 12, gave further time to the securities of Abraham Dyer, of Monroe County, to pay the balance of the revenue for the year 1845.
7. Acts of 1849-50, Chapter 211, confirmed the settlement made with Mastin Henderson, late sheriff of Monroe County, and his securities in office.
8. Acts of 1855-56, Chapter 246, permitted the sheriff of Monroe County to appoint one additional deputy sheriff.
9. Private Acts of 1859-60, Chapter 187, authorized the sheriff of Monroe County to appoint one additional deputy over and above the lawful number.
10. Private Acts of 1919, Chapter 812, set the salary of the sheriff of Monroe County at \$1,500 a year, payable on the first Monday in January, April, July and October of each year, which amount were in place of all the fees collected in that office. If the fees were collected they were reported in an itemized sworn statement each quarter to the judge, or chairman, of the county court. If the fees did not equal the sum of \$375, the county paid the difference to the sheriff, and the sheriff paid any excess over that amount to the trustee. Fees which were collected under six different circumstances and conditions, such as prisoner board fees, turnkey fees, etc. did not have to be included in the amount reported.
11. Private Acts of 1927, Chapter 542, provided that the sheriff of Monroe County receive as

compensation for his services \$2,000 per year, payable quarterly on the first day of January, April, July and October, out of the county treasury on the warrant of the county judge, or chairman, provided that the sheriff keep an accurate record of fees received in criminal cases and submit an itemized sworn report to the county judge, or chairman, on the first day of the four months names above. The report was accompanied by the fees which were to be paid over to the trustee. The sheriff was not required to account for the fees in civil cases, only criminal.

12. Private Acts of 1927, Chapter 730, applied to the counties of Monroe, Blount, Bradley, Loudon, McMinn, Polk and Roane. The act provided that all workhouse bonds be received, approved and collected by the criminal court clerk of the above respective counties who had the same powers in this regard as the other county officials formerly had. The clerk was subjected to and accountable for the same fees and to the same degree under the law as the former officials. The clerk was paid 10% of each bond as compensation for this duty. This act was amended by Private Acts of 1929, Chapter 720, so as to add a provision that the bonds of the workhouse established by that act could contain language which paid an attorney's fee of 15% in the event it became necessary to place the bonds in the hands of an attorney for collection, which fee was added to all the other principal, interest and costs.
13. Private Acts of 1929, Chapter 82, regulated and fixed the salary of the first deputy sheriff of Monroe County at \$1,200 per year, which was payable monthly on the first day of each month out of the county treasury.

Chapter XI - Taxation

Amusement Tax

Private Acts of 1949 Chapter 420

SECTION 1. That:

DEFINITIONS

As used in this Act, "persons" includes individuals, firms, partnerships, associations, corporations and municipalities; "admission" includes seats and tables, standing room and other similar accommodations for which charges are made, as a condition of the use thereof; "Collector" includes, in the case of Counties, the County Court Clerk and any Deputy County Court Clerk; and in the case of towns and cities any Recorder or other official charged with the duties of municipal tax collection.

SEC. 2. That, for the purpose of providing additional County revenue for counties and towns to which this Act applies, and of defraying the expenses of administering this Act, there is hereby levied in all Counties of this State having a population of not less than 24,270, or more than 24,280, according to the Federal Census of 1940, or any subsequent Federal Census, a tax of one (1¢) cent, for each fifteen (15¢) cents or major fraction thereof, on the amount paid for admission to any place of amusement, including admission by season ticket or subscription. Provided, however, that in case the amount paid for admission is less than eight (8¢) cents, no tax is imposed; and provided further, in case of free admission for any purposes, no tax is imposed.

In the computation of the tax levied hereby, any admission or ticket tax paid to any other governmental unit shall be excluded from the charge for admission in determining the applicability or amount of the tax levied hereunder.

SEC. 3. That no tax shall be levied under this Act with respect to any admissions all the proceeds of which inure (1) exclusively to the benefit of any religious, charitable or educational organization or institution, if no part of the proceeds inure to the benefit of any promoter or producer thereof; (2) if all the proceeds inure exclusively to the maintenance of agricultural fairs, if no part of the net earnings thereof inures to the benefit of any private individual, producer or promoter of the same; provided, however, that this exemption does not include the exemption of admission to midways, carnivals or like private enterprises operated in connection therewith.

SEC. 4. That every person receiving any payment for admission, entrance charges, fees or otherwise, which is taxable under this Act, shall collect from the purchaser thereof the tax imposed by this Act, and hold same in a separate fund until paid to the tax collector. Every such person or organization shall, on or before the 10th day of each calendar month, make a return in duplicate, under oath, to the tax collector, showing the number of taxable admissions, entrance fees or otherwise, issued and disposed of, during the preceding calendar month, and such other facts and information as the tax collector may reasonably

require for the verification of the amount of taxes due therefor.

Every person making such return shall at the time of making the return pay the amount of taxes shown thereby to the tax collector.

If the tax imposed by this Act is not paid when due, there shall be added as a part of the tax, interest and penalty at the rate of two (2%) per cent per month, from the time the tax became due and until paid.

For the purpose of enforcing the payment of the tax due hereunder the tax collector is hereby given and may avail himself of the process of distraint, as provided in case of other tax delinquents.

SEC. 5. That, whenever any place of amusement, for the admission to which a tax is due and payable hereunder, is located and conducted within the limits of an incorporated municipality in the counties to which this Act applies, the tax hereby levied shall be for the benefit of and paid to the municipality; and whenever such place of amusement is located and conducted outside of the limits of any incorporated Town in the counties to which this Act applies, the tax levied shall be for the benefit of and paid to the county. The monies so received into the treasuries of the County or Municipality hereunder shall be credited to the general revenue fund of such town or county, and be available for appropriation by the proper authority to the expenses of administering this Act or any other public purpose.

SEC. 6. That any person or organization charged with the collection of the tax herein levied, who fails to collect the same, shall be liable for the full amount of the tax which he should have collected.

The taxes imposed by this Act shall be a lien upon the property of any person or organization required to collect and pay same to the Counties and Municipalities hereunder.

The lien hereby affixed shall be enforceable by the tax collectors in the same manner as other tax liens.

The collectors of the tax hereunder are expressly authorized, if not satisfied with the correctness of any return, report or payment hereunder, to make an investigation of the books and records of any person charged with the collection of the tax hereunder and of any other matter pertinent thereto, and upon the discovery of any discrepancy, are authorized to make a deficiency assessment against any person required to collect and pay the tax hereunder, which deficiency assessments shall be accompanied by a ten (10%) percent penalty assessment. Any such deficiency assessments are collectable and secured as are other taxes hereunder, and are due within ten (10) days after notice thereof is given or sent by registered mail to the person against whom such assessment shall have been made.

For the purpose of ascertaining the correctness of any report, return or payment hereunder, any person charged with the collection of the taxes levied hereby shall make all of his books, records and canceled ticket stubs available for inspection by the collectors at all reasonable times.

SEC. 7. That any person charged by this Act with the duty of collecting or paying the taxes hereby imposed, who willfully fails or refuses to charge and collect or to pay such taxes, or to make the reports and returns required hereunder, or to permit the tax collector or his duly authorized agent to examine his books and other records for the purpose of verifying any return or report or payment pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars.

SEC. 8. That any County or Municipality to which this Act applies may exempt itself from the benefits of this Act by proper action taken by the governing bodies of said counties or municipalities.

SEC. 9. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, or so held, as applied to any person then the remainder of this Act shall continue in full force and effect, it being the legislative intent hereby now declared, that this Act would have been adopted, even if such unconstitutional or void matter had not been included therein.

SEC. 10. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it, but no tax levied hereunder shall be due or payable until May 1, 1949.

Passed: March 30, 1949.

Assessor of Property

Private Acts of 1967-68 Chapter 174

SECTION 1. It is the duty of the Assessor of Property of Monroe County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It is the further duty of the Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he

has copied the names of the vendor and vendee in the deed of conveyance for the purpose of making proper correction on his roll of assessments. It is the duty of the Assessor to correct his tax rolls in all such cases so that the tax rolls of the County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof.

SECTION 2. The County Register of Monroe County shall not record any deed conveying real estate in the County unless it bears the stamp of the County Assessor of Property, certifying that the Assessor has copied the names of the vendor and vendee in the deed of conveyance for the purpose of making proper corrections on his roll of assessments.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Monroe County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 4. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 16, 1967.

Beer Tax

Private Acts of 1949 Chapter 423

SECTION 1. That, for the purpose of providing additional county and municipal revenue for the Counties and Towns to which this Act applies, and of defraying the expenses of administering this Act, there is hereby levied in all Counties of this State having a population of not less than 24,270 nor more than 24,280, according to the Federal Census of 1940 or any subsequent Federal Census, a tax of five (5%) per cent on the amount paid for beer sold at retail in said Counties or Municipalities.

This privilege tax shall also apply to sales made by wholesale dealers in case lots to be consumed by the purchaser, and all sales of beer, except sales made by wholesalers to retailers of beer for re-sale.

SEC. 2. That the term "beer" as used in this Act shall include beer and all other beverages of like content, as defined by the provisions of Chapter 69, Private Acts of Tennessee for the year 1933, as amended by Chapter 170, Public Acts of Tennessee, for the year 1935.

The term "person" as used in this Act shall include individuals, partnerships, corporations and associations.

The term "Tax Collector" includes, in case of Counties, the County Court Clerk, and any Deputy County Court Clerk; and in the case of towns or cities any Recorder or other official charged with the duties of municipal tax collection.

SEC. 3. That every person selling beer at retail shall collect from the purchaser thereof the tax imposed by this Act, and hold same in a special fund until paid to the tax collector. Every such person or organization shall, on or before the 10th of each calendar month, make a return, in duplicate, under oath, to the tax collector, showing the amount of tax collected during the preceding calendar month, together with such other facts and information as a tax collector may reasonably require for the verification of the taxes due. Said return shall be made on a form provided by the County or Municipality.

Every person making a return shall at the time of making same pay the amount of tax shown thereby to the tax collector. If the tax imposed by this Act is not paid when due there shall be added as a part of the tax, interest and penalty of two (2%) per cent per month from the time the tax becomes due until paid.

For the purpose of enforcing the payment of the taxes due hereunder, the tax collector is hereby given and may avail himself of the process of distraint, provided in case of other tax delinquents.

SEC. 4. That, whenever a place of business of the taxpayer is located and conducted within the limits of an incorporated municipality in the Counties to which this Act applies, the tax hereby levied shall be for the benefit of and paid to the Municipality; and whenever such place of business is located and conducted outside of the limits of any incorporated town in the Counties to which this Act applies, the tax levied shall be for the benefit of and paid to the County. The money so received into the treasuries of the Counties or Municipalities hereunder shall be credited to the General Revenue Fund of such town, city or county, and be available for appropriation by the proper authorities to the expense of administering this Act, or any other public purpose.

SEC. 5. That any person and organization charged with the collection of the tax herein levied who fails to collect the same, shall be liable for the full amount of the tax which he should have collected.

The tax imposed by this Act shall be a lien upon the property of any person or organization required to

collect and pay same to the counties and municipalities hereunder. The lien hereby affixed shall be enforceable by the tax collectors in the same manner as other tax liens.

The collectors of the tax hereunder are expressly authorized, if not satisfied with the correctness of any return, report or payment hereunder, to make an investigation of the books and records of any person charged with the collection of the tax hereunder and of any other matter pertinent thereto, and upon discovery of any discrepancy, are authorized to make a deficiency assessment against any person required to collect and pay the tax hereunder. Each deficiency assessment shall be accompanied by a ten (10%) percent penalty assessment. Any such deficiency assessment is collectible and secured as are other taxes hereunder and is due within ten (10) days after notice thereof is given or sent, by registered mail, to the person against whom such assessment shall have been made.

For the purpose of ascertaining the correctness of any report, return or payment hereunder, any person charged with the collection of the tax levied hereby shall make all of his books, records and invoices available for inspection by the collectors at all reasonable times, and shall keep all invoices and records of sales and purchases of beer for a period of not less than two (2) years, unless sooner authorized to destroy them by the tax collector.

SEC. 6. That any person charged by this Act with the duty of collecting or paying the tax hereby imposed, who willfully fails or refuses to charge and collect, or to pay such tax, or to make the report and returns required hereunder, or to permit the tax collector or his duly authorized agent to examine his books and other records, for the purpose of verifying any return or report or payment pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars for each offense.

SEC. 7. That it shall be lawful for the beverage beer to be sold in the counties and municipalities to which this Act applies, from 6 a.m. until 12 o'clock midnight, provided, however, that no such beverage shall be sold between the hours of 12 o'clock midnight on Saturday and 6 o'clock a.m. on Monday; and no sale shall be made on the day on which an election is being held in the counties or municipalities to which this Act applies. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine of not less than Five (\$5.00) Dollars, nor more than Fifty (\$50.00) Dollars.

SEC. 8. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it, but no tax levied hereunder shall be due or payable until May 1st, 1949.

Passed: March 30, 1949.

Hotel - Motel Tax

Private Acts of 1981 Chapter 45

SECTION 1. As used in the Act, unless the context required otherwise,

(a) "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.

(b) "Hotel" means any structure or any facility, or any portion of any structure or any facility, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp or campground, tourist cabin, motel, or any place in which rooms, lodging or accommodations are furnished to transients for a consideration.

(c) "Occupancy" means the use or possession or the right to use or possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.

(e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service 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 or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, leasee, or otherwise.

(g) "Tax collection official" means the county clerk.

As amended by: Private Acts of 1987, Chapter 22
Private Acts of 1989, Chapter 75

SECTION 2. Monroe County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel or campground by a transient in an amount not to exceed five (5%) percent of the consideration charged by the operator. The tax imposed is a privilege upon the transient occupying such room or space and shall be paid by such transient. The rate of the tax may be modified by the county legislative body subject to the five (5%) percent limitation.

As amended by: Private Acts of 1995, Chapter 26

SECTION 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of his hotel, motel, or campground. Such invoice to be given directly or transmitted to the transient, a copy thereof filed by month and retained as provided by Section 7 of this Act.

SECTION 4.

(a) The tax levied shall be remitted by all operators who lease, rent, or charge for any rooms or campground space to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

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

(c) For the purpose of compensating the county clerk for collecting the tax, the county clerk shall be allowed the usual fee as provided by law.

SECTION 5. No operator of a hotel, motel, or campground 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 be added to the rent, or that, if added, any part will be refunded.

SECTION 6. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of ten percent (10%) per annum. Such interest and penalty shall become a part of the tax required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00) for each month's refusal.

Any fine levied in accordance with this section shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refused to pay the tax payable to the county clerk.

SECTION 7. It is the duty of every operator liable for the collection and payment 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 such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

SECTION 8. In administering and enforcing the provisions of this Act, the tax official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collection under the authority of this Act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

SECTION 9. The proceeds from the tax levied herein shall be retained by the county government and distributed as follows:

(a) The proceeds shall be assessed for the direct promotion of industrial development and tourism. The proceeds to be divided as follows: seventy-five percent (75%) for industrial development; twenty-five

percent (25%) for tourism. Proceeds of this tax may not be used to provide subsidy in any form to any hotel, motel or campground.

As amended by:

Private Acts of 1983, Chapter 22

SECTION 10. The tax collected by the county clerk shall be remitted by him to the county trustee for distribution in accordance with the terms of this Act and the laws of the state of Tennessee.

SECTION 11. The privilege tax levied by this Act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 12. If any clause, sentence, paragraph, section or any part of this act shall be held or declared to be unconstitutional, it shall not effect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Monroe County. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

SECTION 14. For the purpose of approving this Act as provided in Section 13, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following thirty (30) days from approval as provided in Section 13.

PASSED: March 16, 1981.

Litigation Tax

Private Acts of 1983 Chapter 66

SECTION 1. There is hereby created a litigation tax on the privilege of litigating a civil or criminal action in the Circuit, Criminal or Chancery Courts, the Court of General Sessions, in the amount of fifteen dollars (\$15.00) in all criminal cases disposed of in such courts and in the amount of five dollars and twenty-five cents (\$5.25) in all civil suits disposed of in such courts, with the exception only of civil cases in Sessions Court where the amount sued for does not exceed one hundred dollars (\$100.00).

SECTION 2. The clerks of the various courts shall collect the litigation tax from the parties as part of the costs of the cause of action and such collection shall be made upon the disposition of such cause of action. Provided, however, the clerks shall not collect the litigation tax on such action if the judge having jurisdiction over the action suspends the costs of the cause of action. The clerks shall collect the litigation taxes authorized by this Act and transfer such taxes to the county trustee on a monthly basis to be deposited with the trustee no later than the tenth (10th) day of the subsequent month immediately after the month of collection.

SECTION 3. Upon receipt of the funds for such litigation tax from the clerks, the county trustee shall deposit such funds in the county general fund. Such funds shall be subject to appropriation by the county legislative body for any county purpose; provided, however, that it is the legislative intent for such funds to be used first for the construction, improvement, renovation, or maintenance of improved jail and courthouse facilities in Monroe County, including debt service on bonds for such facilities.

SECTION 4. As used in this Act, unless the context requires otherwise, "cause of action" or "action" includes, but is not limited to, all ex parte hearings, advisory hearings and adversary proceedings.

SECTION 5. The litigation tax created by this Act shall be in addition to all other privilege taxes on litigation imposed by the laws of this state.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Monroe County legislative body 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 on the first day of the month next following the approval by the county legislative body as provided in Section 6.

PASSED: March 31, 1983.

Motor Vehicle Tax

Private Acts of 1993 Chapter 93

SECTION 1. For the privilege of using the public roads and highways, except statemaintained roads, in Monroe County, Tennessee, there is levied, in addition to all other taxes, a special privilege tax for the benefit of Monroe County upon motor-driven vehicles, including motorcycles, motor-driven bicycles, scooters and motor vehicle dealer plates, and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and except all motor-driven vehicles owned or leased by any governmental agency or governmental instrumentality, including privately owned school buses leased to Monroe County. The tax imposed by this act shall be in the amount of twenty-five dollars (\$25.00) for each such motor-driven vehicle and motor vehicle dealer plate, and ten dollars (\$10.00) for each such motorcycle or motor-driven bicycle and scooter. This tax applies to, is a levy upon, and shall be paid on each such motor-driven vehicle, the owner of which resides within such county.

SECTION 2. The tax herein levied shall be paid to and collected by the county clerk of Monroe County who is authorized by Tennessee Code Annotated, Section 67-4-130, to collect such privilege taxes. The county clerk shall collect this tax at the same time he collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The county clerk shall deduct a fee of five percent (5%) as authorized in Tennessee Code Annotated, Section 8-21-701, from the amount of taxes collected and paid over to the county trustee.

SECTION 3. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal or emblem also issued by the clerk, which shall be displayed by affixing the same on and to the vehicle's rear license plate.

SECTION 4. The design of the decal or emblem shall be determined by the county clerk. The expense incident to the purchase of such decals and emblems herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the clerk shall be paid from the general fund of the county.

SECTION 5. The privilege tax or wheel tax herein levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this act, by the owner, shall entitle the owner of the motor-driven vehicle for which such tax was paid and on which the decal or emblem has been affixed as herein provided, to operate or allow to be operated such person's vehicle over the streets, roads, and highways of the county for a period of one (1) year which will run concurrently with the period established for the state registration fees by Tennessee Code Annotated, Section 55-4-104.

In the event the wheel tax decal is sold by the clerk for a period of more or less than a calendar year, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

SECTION 6. In the event any motor-driven vehicle for which the tax levied by this act has been paid and the emblem or decal issued and placed thereon becomes unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of Monroe County; or in the event that the owner transfers the title to such vehicle and completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper application to the clerk for the issuance of a duplicate decal or emblem to be used by such owner on another vehicle for the unexpired term for which the original decal or emblem was issued, and the clerk is satisfied that the applicant is entitled to the issuance of such a duplicate decal or emblem and the owner pays into the hands of the clerk the sum of five dollars (\$5.00), the clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the motor-driven vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the streets, roads, and highways of such county for the remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the clerk, showing such circumstances and facts to be true, then the clerk, upon receipt from the owner of five dollars (\$5.00) may issue and deliver to the owner a duplicate decal or emblem.

SECTION 7. The tax levied in this act shall be used solely and exclusively for construction and renovation of the schools within the Monroe County School System or for the retirement of school bonds issued for such purpose and for no other reason.

SECTION 8. For the purpose of collection of the tax levied in this act, such collection shall begin on the

first day of July, 1993.

SECTION 9. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Monroe County and certified to the Secretary of State.

SECTION 10. 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 9.

PASSED: May 10, 1993

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 Monroe County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, a general state law regarding tax assessors, by setting annual salaries for the assessors of certain counties which were different from those specified in the general law. In Monroe County the annual salary of the assessor of property was \$800. Chapter 411 was amended by Private Acts of 1917, Chapter 208, in Section 1 so as to increase the annual salary of the assessor of property for Monroe County to \$1,200 annually. Private Acts of 1917, Chapter 250, was an exact duplicate of Chapter 208. Private Acts of 1919, Chapter 106, amended Private Acts of 1917, Chapter 208, to raise the annual salary of the Monroe County Tax Assessor from \$1,200 to \$1,500. Private Acts of 1921, Chapter 854, amended the above acts down to the 1907 act, Chapter 602, in order to increase again the annual salary of the Monroe County Tax Assessor from \$1,500 to \$1,800. Private Acts of 1927, Chapter 190, amended Private Acts of 1921, Chapter 854, so as to allow the tax assessor of Monroe County the sum of \$300 per year which was in addition to all other compensation then being paid to him. Private Acts of 1929, Chapter 185, Private Acts of 1921, Chapter 854, so that the sum of \$900 was granted to the Monroe County Tax Assessor each year in order to pay a deputy assessor, or assessors. Private Acts of 1933, Chapter 718, repealed Private Acts of 1929, Chapter 185.
2. Private Acts of 1925, Chapter 135, purported to amend Acts of 1907, Chapter 602, which was a general state act classifying property for taxation, by setting up the compensation for tax assessors according to population by defining the term "actual cash value" as that term was to be applied to farms and farm land by the board of equalization, and the terms "rent value" and "renting power" were clarified in the same respect. Private Acts of 1925, Chapter 692, amended Private Acts of 1925, Chapter 135, so as to make it the responsibility of the tax assessors and the board of equalization in Monroe County in their assessment of properties for 1925, and subsequent years, to deduct from the assessed value placed on farms, farm homes and farm lands, which were imposed upon that class of property for state revenues, such an amount as would in their discretion comply with the provisions of Private Acts of 1925, Chapter 135, in order to determine the assessed value. The purpose of this act, as expressed therein, was to put the provisions of Chapter 135 in effect in 1925. Acts of 1907, Chapter 602, as amended, was declared unconstitutional in Kefauver v. Spurling, 290 S.W. 14, 154 Tennessee 614 (1926).
3. Private Acts of 1925, Chapter 551, declared that in Monroe County not less than one-half of the number of persons composing the county board of equalization appointed or elected by the quarterly court could be persons who were dirt farmers, or persons who owned and operated farms.
4. Private Acts of 1935, Chapter 201, authorized the Monroe County Tax Assessor to employ a clerk or deputy assessor at a salary which did not exceed \$50 per month, payable out of the general county funds. This act was repealed by Private Acts of 1937, Chapter 638.
5. Private Acts of 1939, Chapter 418, authorized the tax assessor of Monroe County to employ a clerk or deputy at a salary of \$50 per month payable out of the general fund, and reimbursed tax assessors for money expended from September 1, 1938.
6. Private Acts of 1953, Chapter 516, set the annual compensation of the assessor of property in Monroe County at \$3,600, payable in equal monthly installments out of the county treasury. No deed could be recorded until the same had been presented to the tax assessor who was obligated to make the appropriate changes on the tax books showing the name of the new owner and the

value of the property. Registers were prohibited from recording any deed which had not been through the tax assessor's office.

Taxation

The following is a listing of acts pertaining to taxation in Monroe County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 231, required that the sheriff or collectors of the state tax in Monroe County pay the state tax for two years to the commissioners appointed by the county court, for the purpose of building a jail in Monroe County.
2. Public Acts of 1869-70 (2nd Sess.), Chapter 77, made it the duty of the tax collectors of the counties of Monroe, Roane and Blount to furnish the tax collector of the new county of Christiana with the tax rolls and books concerning the people residing in the areas of those counties which were struck off to form Christiana County.
3. Private Acts of 1911, Chapter 543, made it the duty of the quarterly court at its January, or April, term, or at any term, to levy a tax of not less than 10 cents on each \$100 property valuation to maintain one or more high schools in the county.
4. Private Acts of 1915, Chapter 149, made it the responsibility of the quarterly court of Monroe County to levy a general tax of not less than 20 cents per \$100 property valuation to be used to maintain high schools in the county, additional taxes could be levied to build a new school whenever it was deemed necessary.
5. Private Acts of 1919, Chapter 304, amended Public Acts of 1899, Chapter 279, a general state law which empowered county courts to provide county high schools, so as to provide that, in Monroe County, when other general tax assessments were made, the county court levy a tax of not less than 30 cents nor more than 50 cents per \$100 property valuation to maintain and operate high schools in the county.
6. Private Acts of 1919, Chapter 593, created the position of delinquent poll tax collector in Monroe County and provided how said office would be filled. This act was amended by Private Acts of 1927, Chapter 304, which made the delinquent poll tax collector subject to an appointment by the quarterly county court of Monroe County instead of by the trustee. The appointment was made at the January session of the court each year. Section 2 provided that all poll taxes not paid by March 1 of the year following the year they were due were to be turned over to the delinquent tax collector. The trustee was required to make up a list of the taxes unpaid in alphabetical order and, as it was thus constituted, to deliver it to the delinquent poll tax collector on or before April 1 of each year. If the above were not fully complied with, the trustee was responsible for all deficiencies, forfeited his compensation and possibly his office. Private Acts of 1919, Chapter 593, was repealed by Private Acts of 1929, Chapter 81.
7. Public Acts of 1925, Chapter 10, amended the state code so as to exempt Monroe County from the change in the time of payment for taxes which was brought about by that law.
8. Private Acts of 1927, Chapter 345, directed that the quarterly court of Monroe County levy a tax to repair and improve the jail and courthouse, which tax was not less than 15 cents nor more than 25 cents per \$100 property valuation.
9. Private Acts of 1927, Chapter 392, authorized the quarterly county court of Monroe County to levy a pauper tax of not less than 15 cents nor more than 25 cents per \$100 for the purpose of providing care for the county's poor people.

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