



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

April 19, 2024

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# Sequatchie

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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|  |           |
|--|-----------|
| <b>Sequatchie .....</b>                            | <b>3</b>  |
| <b>Chapter I - Administration .....</b>            | <b>4</b>  |
| <b>County Executive .....</b>                      | <b>4</b>  |
| <b>Private Acts of 2005 Chapter 2 .....</b>        | <b>4</b>  |
| <b>Interment .....</b>                             | <b>4</b>  |
| <b>Private Acts of 1988 Chapter 142 .....</b>      | <b>4</b>  |
| <b>Purchasing .....</b>                            | <b>4</b>  |
| <b>Private Acts of 2003 Chapter 20 .....</b>       | <b>4</b>  |
| <b>Administration - Historical Notes .....</b>     | <b>4</b>  |
| <b>Chapter II - Animals and Fish .....</b>         | <b>6</b>  |
| <b>Animals and Fish - Historical Notes .....</b>   | <b>6</b>  |
| <b>Chapter III - Bond Issues .....</b>             | <b>7</b>  |
| <b>Bond Issues - Historical Notes .....</b>        | <b>7</b>  |
| <b>Chapter IV - Boundaries .....</b>               | <b>7</b>  |
| <b>Creation of the County .....</b>                | <b>7</b>  |
| <b>Public Acts of 1857-58 Chapter 11 .....</b>     | <b>7</b>  |
| <b>Change of Boundary Lines .....</b>              | <b>9</b>  |
| <b>Public Acts of 1857-58 Chapter 47 .....</b>     | <b>9</b>  |
| <b>Public Acts of 1873 Chapter 105 .....</b>       | <b>9</b>  |
| <b>Public Acts of 1893 Chapter 176 .....</b>       | <b>10</b> |
| <b>Boundaries - Historical Notes .....</b>         | <b>13</b> |
| <b>Chapter V - Court System .....</b>              | <b>13</b> |
| <b>Court System - Historical Notes .....</b>       | <b>14</b> |
| <b>Chapter VI - Education/Schools .....</b>        | <b>18</b> |
| <b>Board of Education .....</b>                    | <b>18</b> |
| <b>Private Acts of 2002 Chapter 83 .....</b>       | <b>18</b> |
| <b>Compulsory School Attendance .....</b>          | <b>18</b> |
| <b>Private Acts of 1931 Chapter 591 .....</b>      | <b>18</b> |
| <b>Education/Schools - Historical Notes .....</b>  | <b>19</b> |
| <b>Chapter VII - Elections .....</b>               | <b>20</b> |
| <b>Elections - Historical Notes .....</b>          | <b>20</b> |
| <b>Chapter VIII - Health .....</b>                 | <b>21</b> |
| <b>Deputy Coroners .....</b>                       | <b>21</b> |
| <b>Private Acts of 1980 Chapter 195 .....</b>      | <b>21</b> |
| <b>Health - Historical Notes .....</b>             | <b>21</b> |
| <b>Chapter IX - Highways and Roads .....</b>       | <b>22</b> |
| <b>Road Law .....</b>                              | <b>22</b> |
| <b>Amendments to Road Laws .....</b>               | <b>22</b> |
| <b>Private Acts of 1953 Chapter 575 .....</b>      | <b>22</b> |
| <b>Speed Limits .....</b>                          | <b>24</b> |
| <b>Private Acts of 1974 Chapter 174 .....</b>      | <b>24</b> |
| <b>Highways and Roads - Historical Notes .....</b> | <b>25</b> |
| <b>Chapter X - Law Enforcement .....</b>           | <b>26</b> |
| <b>Law Enforcement - Historical Notes .....</b>    | <b>26</b> |
| <b>Chapter XI - Taxation .....</b>                 | <b>27</b> |
| <b>Hotel - Motel Tax .....</b>                     | <b>27</b> |
| <b>Private Acts of 1989 Chapter 18 .....</b>       | <b>27</b> |
| <b>Litigation Tax .....</b>                        | <b>28</b> |
| <b>Private Acts of 1982 Chapter 248 .....</b>      | <b>28</b> |
| <b>Marriage Tax .....</b>                          | <b>29</b> |
| <b>Private Acts of 1992 Chapter 157 .....</b>      | <b>29</b> |
| <b>Taxation - Historical Notes .....</b>           | <b>29</b> |

## Sequatchie



Sequatchie County Courthouse

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1995

**Updated By:** Stephen Austin, Legal Consultant, 2012

## Chapter I - Administration

### County Executive

#### Private Acts of 2005 Chapter 2

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

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

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

Passed: February 14, 2005.

### Interment

#### Private Acts of 1988 Chapter 142

**SECTION 1.** The county legislative body acting by resolution is hereby authorized to establish criteria for interment of residents of Sequatchie County. Such resolution may provide for reasonable fees to be charged for such services and for exemptions from such fees.

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

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

Passed: March 2, 1988.

### Purchasing

#### Private Acts of 2003 Chapter 20

**SECTION 1.** Chapter 750 of the Private Acts of 1947 and Chapter 10 of the Private Acts of 1987, and any other act amendatory thereto, relative to purchasing laws of Sequatchie County, are repealed.

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

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

Passed: March 20, 2003.

## Administration - Historical Notes

### Budget System

The following act once created a budgeting system for Sequatchie County, but has been specifically repealed or superseded by current law.

1. Private Acts of 1939, Chapter 490, created the offices of county auditing and Back Tax Collecting Commission in Sequatchie County (identified by the 1920 Federal Census figures) and named S. B. Wilson, D. M. Harris, and Fred Wilson as the original members of that commission. On the first Monday in January, 1942, the Quarterly Court would appoint commissioners for two years, three years, and four years and fill vacancies which might occur for the unexpired portions of the said

term. The commissioners would make audits as authorized under general State law being governed by its terms and dictates. The Commission would collect delinquent taxes of all sorts and descriptions and be paid 50% of all the back taxes collected. The commission could secure the services of the State Auditor whenever they deemed it necessary, and could initiate suits to recover any losses or to correct any error. (Sequatchie County did not meet the census figures quoted in 1920 but did come within them in 1930, thereby creating some doubt on the effectiveness of this Act.)

### **County Mayor**

The references below once applied to the office of county judge, or county executive in Sequatchie County. It is included herein for historical purposes only.

1. Public Acts of 1893, Chapter 51, as amended by Private Acts of 1927, Chapter 232, Private Acts of 1943, Chapter 73, and Private Acts of 1953, Chapter 560, created the office of county judge in Sequatchie County.
2. Private Acts of 1929, Chapter 668, stated in the preamble that the office of County Judge was created in Sequatchie County by Chapter 51, Private Acts of 1893, and the same act set the salary for the same at \$250 per year which office has been filled through the years at that salary, but the desire exists to increase the annual salary of the County Judge although some doubt has arisen as to the power to the Quarterly Court to do so. This Act authorized the Quarterly Court of the County to fix the annual salary of the County Judge for his services as financial officer which would be in addition to his salary as County Judge, and the provision would be retroactive through those years in which the County Judge was paid nothing for his services as Financial Officer. This Act was not to be construed as laying down compulsory rules but only as enabling legislation if the Court desired to do so.

### **County Legislative Body**

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

1. Private Acts of 1957, Chapter 315, set the per diem of the Justices of the Peace in Sequatchie County at \$5.00 for each day of regular attendance at the meetings of the Quarterly court. This Act was amended by Private Acts of 1967, Chapter 294, to increase the amount of the per diem payments to the Justices of the Peace from \$5.00 to \$10.00 for each day of attendance at the meetings of the quarterly court. These acts have been superseded by T.C.A. § 5-5-107.

### **County Trustee**

The following act once affected the office of county trustee in Sequatchie County, but is no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 223, stated that in Sequatchie County (identified by the 1930 Federal Census figures) the County Trustee had the duty to assess property, real, personal and mixed, for the purposes of taxation, which assessment would be made and returned to the Board of Equalization at the same time as it now provided by statute for Tax Assessors. The Trustee would be paid an amount by the Quarterly Court for this work which would not exceed \$100 per year in the years when only personal property was assessed. This Act was repealed by Private Acts of 1939, Chapter 73.

### **Purchasing**

The following acts once affected the purchasing procedures of Sequatchie County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 750, as amended by Private Acts of 1987, Chapter 10, created an auditing and purchasing committee composed of two persons, elected at the 1948 August election and quadrennially thereafter. Both acts were repealed by Private Acts of 2003, Chapter 20.

### **General Reference**

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

1. Private Acts of 1857-58, Chapter 133, stated that after the passage of this Act the county of Sequatchie would be allowed a Director in the Branch of the Bank of Tennessee then located at

Sparta who would have and could exercise all the power and authority heretofore granted to the Directors of the Bank from other counties.

2. Private Acts of 1857-58, Chapter 162, declared that, if the Bill to enjoin the formation of Sequatchie County were dismissed, it would be lawful for the voters of the county to vote on whether the county seat would be at William Rankin's place, or on the east side of the Sequatchie River at a point designated by the people between William Cooper's old place and William Brown's place on the said River. If Rankin's place were chosen the name of the county seat was to be Dunlap.
3. Public Acts of 1897, Chapter 124, fixed the annual salary of the various county officials according to the population class of the county in which the officials served. The officials were deprived of the fees of the office and would be paid the salary instead. If the fees were less than the salary the county would pay the difference. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900).
4. Private Acts of 1935, Chapter 253, provided that in Sequatchie County (identified by the quotation of the 1930 Federal Census figures) the county court would not have the right to make appropriations out of the county funds for cooperative farm demonstrations and work unless and until the said proposition was submitted to the people to be voted on in a referendum held for that purpose. The Election Commission would hold the election with a simple "for" or "against" ballot. The votes were to be counted and certified. If approved by the people, then the procedures prescribed in the act could be initiated. This Act was repealed by the one following.
5. Private Acts of 1937, Chapter 570, expressly and entirely repealed Chapter 253, Private Acts of 1935, Item 6, above.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Sequatchie County. They are included herein for reference purposes.

1. Public Acts of 1875, Chapter 114, in which Sequatchie County was among those counties in the act which exempted themselves from a statewide general law regulating fishing which made it unlawful to fish upon the land of another person without first obtaining written permission from the owner, or occupant.
2. Public Acts of 1889, Chapter 171, declared it to be a misdemeanor to hurt, trap, or kill deer but all residents of the State could kill deer for their own use and consumption between August 1 and January 1 of each year. A resident could also kill deer for profit on his own land. The same restrictions applied to quail, or partridges, on which the open season ran from November 1 until March 1 following. Constables and Justices of the Peace were made game wardens to enforce the provisions of this law. Many counties, including Sequatchie, elected not to come under the provisions of this law.
3. Public Acts of 1889, Chapter 179, made it unlawful for any non-resident of the State to hunt, shoot, catch, or kill, or carry away, game of any kind in Sequatchie and several other named counties. A fine of \$50 per offense was prescribed for those who violated the terms of this act.
4. Public Acts of 1889, Chapter 244, averred that it was unlawful for a non-resident of Tennessee to hunt, kill, or capture any wild deer, wild turkey, quail, partridge, or any species of game or fish in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren and White Counties. Citizens of the county and state could hunt and kill the above at any season of the year for their own use and consumption. This law was required to be charged to the Grand Juries by the Judges and the schedule of fines for violators ran from \$25 to \$100 per offense.
5. Private Acts of 1917, Chapter 686, set up an open season on some types of game in the counties of Bledsoe, Cumberland, Grundy, Marion, Sequatchie, and Van Buren as follows: On turkeys, from November 1 through the following January 1; on turkey gobblers, from April 1 until May 1; on quail, from November 1 until the following February 1; and on deer, from November 1 through December 10. There was no closed season established for squirrels which could be killed at any time during the year.
6. Private Acts of 1921, Chapter 405, amended Chapter 61, Public Acts of 1919, which was a rather

stringent general dog law for the State, so as to remove about half of the Tennessee counties, Sequatchie among them, from the jurisdiction and prohibitions contained in that act.

7. Private Acts of 1921, Chapter 748, also amended Chapter 61, Public Acts of 1919, mentioned in Item 6, above, so that Sequatchie County would not be bound by the terms of that Act relating to the keeping of dogs.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

#### **Courthouse**

1. Acts of 1909, Chapter 311, was the enabling legislation for the Quarterly Court of Sequatchie County, a majority of its members being present, to issue up to \$15,000 in bonds, at an interest rate not to exceed 6%, and on a maturity schedule not to go beyond twenty years from the date of issue, to build a Court House in the City of Dunlap. All the details essential to valid bond legislation were contained in the act including the mandatory tax levy needed to amortize the bonds over the maturity period. These bonds were to be called the "Court House Bonds."
2. Private Acts of 1911, Chapter 668, was the legislative authority for the Sequatchie County Quarterly Court to issue no more than \$15,000 in bonds, at a maximum rate of 6% interest, which would mature no later than 20 years subsequent to the date of issue, to build and furnish a courthouse for the county in Dunlap. All the essential details were present and the tax levy established.

#### **Roads**

1. Private Acts of 1915, Chapter 505, allowed the Quarterly Court of Sequatchie County to issue bonds in an amount not to exceed \$25,000, at an interest rate of 5%, or less, which would mature at a minimum of 20 years and no later than 40 years, from the date of issue, which funds would be used to locate, grade, and macadamize a road from the Bledsoe County line near Mount Airy running by way of Dunlap to the Hamilton County line near L. D. McIntyre's property. All the details were included and the tax levy set up. The Act appointed B. R. Farmer, J. B. Johnson, and J. H. Heard, as commissioners, to supervise the construction of the road, to employ essential personnel, and to execute the necessary contracts. No commissioner was allowed to have any personal interest in any part of the contract to build or to furnish materials. Twenty percent of the contractor's money could be withheld until the project was completed.

## Chapter IV - Boundaries

### Creation of the County

### Public Acts of 1857-58 Chapter 11

**SECTION 1.** That a new county is hereby established, by the name of Sequatchie, and formed out of the county of Hamilton, and bounded as follows: beginning on a white oak, at the head waters of the middle prong of Collins' river, near John Lockheart's, being a corner of Marion and Grundy counties; thence southerly three-fourths of a mile, to a small white oak; thence easterly to the bluff of Cumberland mountains, opposite T. Hick's, and opposite Hendrick's creek; thence following the meanders of Hendrick's creek, formerly the southern boundary line of the second district of Marion county, to Sequatchie river, thence following the meanders of said river to Standifer's creek; thence up said creek to its source, near Henry Grayson's mill; thence south-easterly, up Walden's ridge, to the Hamilton county old line, (which is supposed to divide Walden's ridge in the centre); thence north-easterly with said line, to a poplar, on the Hamilton and Bledsoe county line; thence north-westerly to a lot line, which lot line was the north boundary of the tenth district of Bledsoe county; thence following the course of said lot line to Brush creek, to its intersection with the Bledsoe and Van Buren county lines, near J. Hitchcock's; thence south-westerly, with the Van Buren line, to a white oak on the old Savage road, being a corner of Van Buren, Grundy and Hamilton (formerly Marion) counties; thence southerly to the beginning corner, with the county line between Grundy and Hamilton, (formerly Marion).

**SECTION 2.** That the said county of Sequatchie shall have all of the powers and privileges, and be subject to all the restrictions of other counties in this State, and the citizens thereof shall vote with the counties

from which they are taken, for members of the General Assembly, until the next apportionment, agreeable to the provisions of the fifth section of the tenth article of the amended constitution.

**SECTION 3.** That, for the due administration of justice, the different courts to be held in the said county of Sequatchie, shall be holden at a new meeting house near William Rankin's, on Coop's Creek, until the seat of justice for said county shall be located, and a suitable house erected for the purpose of holding the courts in; and the county court shall, in the intermediate time, have full power to adjourn the courts to such other place in said county as they may deem suited for the holding of the same; and to adjourn to the seat of justice when, in their judgment, the necessary arrangements are made for the holding said courts, and all writs and other process returnable to either place, shall be returned to the place to which said courts may have adjourned by the county court as aforesaid; and the said courts to be holden in and for said county of Sequatchie aforesaid, shall be under the same rules, regulations, and restrictions, and shall have, hold, exercise, and possess the same power and jurisdiction as are possessed by said courts in other counties of this State.

**SECTION 4.** That all officers, civil and military, which were, on the twentieth of September last, in the fractions of which said county of Sequatchie was formed, shall continue to hold their offices and exercise all the powers thereof--have the same jurisdiction as other officers in this State, as they had on said twentieth of September, until others are elected under the provisions of the Constitution, and said county of Sequatchie shall be placed upon an equal footing, and possess equal powers and privileges in all respects as other counties of this State.

**SECTION 5.** That the circuit courts shall be held for the county of Sequatchie by the Judge of the third judicial circuit, on the fourth Mondays in January, May, and September, and shall hold its terms at the school house near William Rankin's, on Coop's Creek, until notified that the justices of said county have removed the holdings of the court of said county to the seat of justice, and shall adjourn to the seat of justice.

**SECTION 6.** That it shall be the duty of the county court of said county, so soon as the commissioners appointed by this act shall designate a suitable place for the seat of justice for said county, which shall be within four miles of the center of said county, to appoint five commissioners to whom the said commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off with as many streets, and of such width as they may deem proper and necessary, and with such sized lots as they think proper, reserving three acres for a public square, upon which a court house shall be erected; and a lot shall be reserved sufficient for a jail, and shall reserve such lots for churches as they may see proper; and said town, when laid off, then be known by the name of Dunlap; and the said commissioners shall proceed to sell the lots upon at least twelve months credit; they shall reserve a lot suitable for a county academy, and shall give due notice of the time and place of sale, which shall be on the premises, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple, as commissioners, to the respective purchasers.

**SECTION 7.** That the proceeds of the sale aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of the land on which the county seat is rested and located, and also of the erecting a court house and jail for said county, and the said commissioners shall superintend the building of the court house and jail and other necessary buildings, and shall let out said buildings as the county court may order, upon such terms as said court may order, and shall take bond with sufficient security from the persons to whom the same is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of the contract.

**SECTION 8.** That said commissioners shall, before they enter upon the duties of their appointment, take an oath that they will truly and faithfully perform the different duties by this act enjoined upon them, according to their best judgement, and shall enter into bond and security in the sum of five thousand dollars to the chairman of the county court of Sequatchie aforesaid, conditioned for the faithful performance of their duties as conferred upon them by this act, which bond shall be deposited in the office of the clerk of the county court of said county; they shall keep a regular account of all monies by them received and expended, and make due return of the same to the county court of said county, and shall in all things be subject to the order of said court in relation to the buildings and funds, and shall account for all moneys and funds in their hands when required by said court, and shall be entitled to such compensation as the county court may think reasonable.

**SECTION 9.** That the first county court for said county shall be held on the first Monday of January, 1858, and shall perform all the duties of other county courts; and the first circuit court shall be held on the fourth Monday in May, 1858, and shall have all the jurisdiction of other circuit courts.

**SECTION 10.** That John H. Rogers, John L. Stone, B. L. Bennett, John Pickett, Franklin Dickens, Samuel



W. Robertson, and Byrom Heard, are appointed commissioners to locate the seat of justice in said county of Sequatchie; they shall, so soon as the county court shall notify them, proceed to locate the seat of justice for said county, purchase the land and convey the same to the commissioners as directed in this act; and should any of them fail to attend, the county court shall appoint others to fill their places.

**SECTION 11.** That there shall be an election held at the several districts and precincts in said county of Sequatchie, on the first Saturday in March, 1858, at which election the qualified voters of said county shall vote to elect a sheriff, clerk of the circuit and county courts, a register, and trustee, who shall when elected, be qualified at the first term of their respective courts; and the county court shall elect the county officers which they are entitled to elect at their first session; and all elections thereafter for county officers, shall take place at the time fixed by law for the election of such officers, in other counties in this State; and it shall be the duty of the sheriff of Hamilton county to give the notice required by law, and by his deputies, to hold the elections provided for in this section, and to make the same return and certificates for said county of Sequatchie, which are by law required to be made in other counties.

**SECTION 12.** That a county academy is hereby established in said county, known by the name of Rankin Academy, and shall be located in or near the county town in said county, which said academy shall be entitled to all the rights and emoluments as other academies are entitled to; and the clerks of said courts and justices of the peace shall be entitled to such books as other clerks and justices are entitled to in this State.

**COMPILER'S NOTE:** Sections 13 and 14 did not concern Sequatchie County and are not repeated here.

**SECTION 15.** That this act shall take effect from and after its passage.

Passed: December 9, 1857.

## Change of Boundary Lines

### Public Acts of 1857-58 Chapter 47

**COMPILER'S NOTE:** Sections 1 and 3 through 11 did not concern Sequatchie County and are not repeated here.

**SECTION 2.** That the line between the counties of Grundy and Sequatchie be changed as follows, to wit: Beginning at a stake in the line between said counties at a point south of the Brener place, at the head of the east prong of Collins river, running thence a direct line to said Brener place, including the same in said county of Sequatchie; thence down with the said east prong of said river to James W. Tate's place, including the same in said county of Sequatchie; thence with the base of the ridge west of said river northwardly around to the widow Wright's residence; thence a direct line to the little Jake Cagle old place, now occupied by James Cagle, including the same in Sequatchie county; thence a direct line to Bassel Bess place on the Hill's trace old road, including the same in Sequatchie county; thence with said road in the direction of Hill's creek to where the Grundy and Warren county lines cross the same; thence with the Grundy line eastwardly to the Grundy and Sequatchie county corner.

Passed: March 4, 1858.

### Public Acts of 1873 Chapter 105

**SECTION 1.** That the lines between the counties of Sequatchie and Marion be changed and included within the limits of the County of Sequatchie that portion of the Third Civil District of Marion County, described as follows: Beginning at a point in the line between Hamilton and Marion counties on Walden's Ridge, so as to run a straight line by the Big Point, where the two suck creeks come together, to the headwaters of Looney's Creek, as it meanders to where it strikes the lands of George S. Smith; then with said George S. Smith's line around to where it comes to said Looney's Creek, so as to include the lands of said George S. Smith in Sequatchie County; then down said Looney's Creek to the mouth where it empties into Sequatchie River; then from the mouth of said Looney's Creek a straight line by the residence of James A. Smith, and on to where it will strike the Grundy County line.

**SECTION 2.** That the County Court of Marion County shall order an election to be held in that portion of Marion County which this Act seeks to attach to the County of Sequatchie, and if two-thirds of the qualified voters of said portion of Marion County, say by their ballots that they desire to be attached to Sequatchie County, then, and in that event, the said portion shall be attached to said County of Sequatchie, and not otherwise. The voters shall have written or printed on their ballots as follows: Those in favor of being attached to Sequatchie County shall have the word "Sequatchie" printed or written on their tickets, and those opposed to being attached to Sequatchie County shall have written or printed on their tickets the word "Marion."

**SECTION 3.** That said change shall not bring the line of Sequatchie nearer than eleven miles of the county seat of Marion County, nor reduce said County of Marion below its constitutional number of square miles.

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

Passed: March 22, 1873

## Public Acts of 1893 Chapter 176

**SECTION 1.** That the following shall constitute the boundary of Sequatchie County, to wit: Beginning at a large post-oak stump on the west side of the East Valley road, in the old lot line, dividing lots Nos. 13 and 14, and running south 52½ degrees east, crossing Alexander Gap road at 630 poles; crossing over Philip G. Harvey's barn at 1,158 poles; crossing the North Fork of Soddy Creek at 1,264 poles, and passing north of the old McWilliams school-house 1,786 poles ( in all 2,117 poles) to a stone, with several small black oak bushes, pointers on top of a ridge, north-west of the Kinney Hughes old place; thence south 22½ degrees west 1,031 poles to a stake on top of a ridge, north of the North Fork of Soddy Creek; thence south 31½ degrees west, crossing Cane Creek at a distance of 2,608 poles on the old county line, from the stake on the north side of the North Fork of Soddy Creek, as above described; crossing said Cane Creek again at 2,684 poles; again at 2,781 poles, about 100 feet below the mouth of Kells' Creek; crossing Halley Branch at 2,927 poles, at 3,046 poles, again at 3,086 poles; crossing Wolf-pen Branch at 3,268 poles; crossing Roberts Gap road at 3,688 poles; crossing Chickamauga Creek at 3,582 poles; crossing Anderson pike at 4,498 poles; crossing Canon Creek at 5,126 poles, in all 5,602, to a point in the center of Suck Creek, with black gum and spruce pine pointers; thence up the center of Suck Creek, as it meanders, north 9½ degrees east 18 poles, north 29 degrees north 8 poles, north 3½ degrees east 38 poles, north 26 degrees west 20 poles, north 16 poles, north 35 degrees west 4 poles, north 1½ degrees 28 poles, north 21 degrees west 26 poles, north 56 degrees west 26 poles, east 36 poles, north 5 degrees west 16 poles, north 34 west 16 poles, north 45 west 24 poles, north 33 west 28 poles to the mouth of Conner's Creek; north 25 degrees west 16 poles, north 45 degrees west 30 degrees, north 29 degrees west 14 poles, north 36 degrees west 12 poles, north 25 degrees west 16 poles, north 35 degrees west 12 poles, North 24 degrees west 34 poles, north 13½ east 42 poles, north 10 west 20 poles, north 1½ east 24 poles, north 14½ east 4 poles, north 25 east 14 poles, north 9 east 8 poles, north 13½ degrees west 12 poles, north 5½ west 8 poles, north 8½ east 12 poles, north 24 east 12 poles, north 32½ east 8 poles, north 25 degrees east 14 poles, north 20 west 4 poles, north 6 poles, north 8 west 6 poles, north 18 east 16 poles, north 26½ east 10 poles, north 3 west 12 poles, north 35 east 24 poles, north 7.5 east 8 poles, north 61½ degrees east 6 poles; north 17 east 14 poles, north 38 east 16 poles, north 20 east 26 poles, north 28 west 24 poles, north 20 west 42 poles, north 9 west 24 poles, north 42½ west 10 poles, north 31½ west 4 poles, north 22½ degrees west 12 poles to the mouth of Coal Bank Creek, north 46½ degrees west 8 poles, north 50½ west 24 poles, north 61½ west 14 poles, north 32½ degrees west 66 poles, north 50 west 10 poles, north 16½ west 4 poles, north 26 west 6 poles, north 40 west 4 poles, north 14 west 14 poles, north 33 west 8 poles, north 15 west 16 poles, north 10 poles, north 29½ degrees west 24 poles, north 5½ east 6 poles, north 11 west 12, north 4½ east 14 poles, north 4 east 4 poles, north 11 east 6 poles, north 46 west 6 poles to the mouth of Rock House Branch; thence up said Rock House Branch as it meanders, north 27 east 7 poles, north 44 east 6 poles, north 25 east 10 poles, north 37½ degrees east 18 poles, north 50 east 6 poles, north 29 east 6 poles, north 61½ east 8 poles, north 41 east 22 poles, north 49½ east 6 poles, north 21½ east 56 poles, north 16½ west 20 poles, north 81½ west 18 poles, north 31½ west 12 poles, north 25 west 28 poles, north 34½ west 26 poles, north 12 west 16 poles, north 50 west 32 poles, north 65 west 50 poles, north 36½ degrees west 38 poles, north 19 west 50 poles, north 30 west 114 poles, north 1½ east 20 poles, north 13 east crossing Burnett road at 26 poles, north 5 degrees west 28 poles, north 28 west 20 poles, north 43 west 20 poles, north 30 degrees west 18 poles, north 21½ west 18 poles, north 48½ west 28 poles, north 53½ west 14 poles, north 62½ west 32 poles, north 72½ west 33 poles to a stone marked S. C. & N. C., at the head of Rock House Branch, with three black gums and two white oak pointers; thence north 40 west 500 poles to a beech at the head of Grayson's Mill Creek; thence down said Mill Creek as it meanders north 24½ degrees west 40 poles, north 62 west 18 poles, north 8 west 7 poles, north 85 west 16 poles, north 58½ degrees west 12 poles, north 67 west 12 poles, north 82 west 18 poles, north 67½ west 28 poles, north 59½ degrees west 18 poles to a point opposite A. C. Grayson's barn; thence north 38 west 66 poles, north 22 west 38 poles, north 78 west 8 poles, west 34 poles, north 65 west 24 poles, north 85 west 36 poles, north 31½ west 28 poles to the East Valley road; thence 85 degrees west 10 poles, north 35½ west 30 poles, north 1 east 72 poles, north 53½ west 40 poles, north 5 east 8 poles, north 55 west 12½, north 10 west 22 poles to the center of Sequatchie River; thence down the center of the same as it meanders north 44 west 16 poles, north 64 west 16 poles, north 72½ west 20 poles, north 61½ west 16 poles, north 70½ west 42 poles, north 74½ west 54 poles, north 66 degrees west 18 poles, north 51½ west 22 poles, north 41 west 46 poles, south

79 west 20 poles, south 62 degrees west 18 poles, south 85 degrees west 28 poles, south 59 degrees west 12 poles to a point in the center of said river opposite the mouth of Hendrick's Creek; thence up Hendrick's Creek as it meanders north 45½ west 12 poles, south 82½ degrees west 4 poles, north 50 degrees west 9 poles, south 74 degrees west 8 poles, north 40 west 8 poles, south 49 degrees west 8 poles, south 64 west 22, north 23 west 6 poles, south 72 west 12 poles, north 3½ west 10 poles, north 69½ west 14 poles, north 82 west, crossing Nashville, Chattanooga & Saint Louis Railway at 8 poles, in all 32 poles; north 60 west 20 poles, north 62 west, crossing West Valley road at 5 poles, in all 14 poles; north 76½ west 24 poles, south 87 degrees west 13 poles, north 84 degrees west 14 poles, south 74 west 18 poles, south 53½ west 17½ poles, north 79 west 23 poles, south 67 degrees west 17 poles, north 86 ¾ degrees west 42 poles, north 71½ west 12 poles, north 87½ west 13½ poles, north 49½ west 32 poles, north 70 west 12 poles, north 85 degrees west 6 poles, south 36 degrees west 20 poles, north 65 west 11 poles, north 79 degrees west 26 poles, north 64 west 15 poles, north 38 west 36 poles, north 86 west 16 poles, north 80 west 16 poles, south 79 west 14 poles, north 85 west 12 poles, south 73 west 19 poles, north 73½ west 8 poles, north 44 west 10 poles, north 54 west 18 poles, north 66 west 32 poles, north 24½ west, passing mouth of Robertson's Branch at 4 poles, in all 24 poles; north 25 west 16 poles, north 13½ degrees east 16 poles, north 30 west 40 poles, to a point on top of bluff where Hendrix Creek passes over the bluff, north 25 degrees west 20 poles, north 20 west 20 poles; thence leaving said Hendrix Creek north 64 ¾ west 1,264 poles to a white oak and pointers (the white oak marked "H. L. W. R."); thence north 12¼ degrees west 240 poles, to a white oak on the top of a high ridge, known as Pike's Peak, southwest of the old Lockhart place, with chestnut and other pointers, said white oak being corner in common to Sequatchie, Marion, and Grundy Counties; thence with the line of Grundy County north 30 degrees east 83 poles and 3 links to a hickory, with two chestnut, oak, and two black gum pointers at the last top of said hill; thence north 27 degrees east, crossing the old Lockhart road at 112 poles, near the head of Jake's Gulf, crossing said road again at 208 poles, and reaching the foot of Couch Ridge at 320 poles, in all 413 poles, to a rock with three black, [sic]oak and one black gum and two chestnut oak pointers on the top of the Couch Ridge; thence north 2 degrees east 37 poles and 5 links to a small chestnut oak with hickory and two chestnut oak pointers; thence north 39 east 36 poles to a double hickory with four hickory, one black oak, and one black gum pointers; thence north 50 degrees east 85 poles and 18 links to a stone in the east edge of the old Lockhart road with hickory and sassafras pointers in the old Kelly or Ridge field; thence north 80 degrees east 83 poles and 9 links to a stone in said Lockhart's road with chestnut oak, Spanish oak, and dogwood pointers; thence south 70 degrees east 28 poles to a stone with three red oaks, two white oaks, and one hickory pointers south-east edge of said Lockhart road; thence south 84 degrees east 67 poles and 10 links to a broken-topped hickory with three locust and two red oak pointers east of the Lockhart road; thence north 13 east 36 poles to a stone with two black gum and two black oak pointers; thence south 85 degrees east 30 poles to a stone with three white oak pointers; thence north 8 degrees east 65 poles to a black gum with black gum and chestnut oak pointers; thence north 4 degrees west 28 poles and 13 links to a black gum with four blackgums, one hickory, and two black oak pointers; thence north 78 degrees east 50 poles and 10 links to a small red oak with five hickory pointers and two dogwoods and one red oak pointers; thence north 15 degrees east 13 poles and 20 links to a small black oak with several small black oaks, locust, and one black gum pointers; thence north 50 degrees east 55 poles and 19 links to a small chestnut oak with two hickory, one red oak, and one black oak pointers; thence north 85½ east 16 poles and 15 links to a red oak on top of a high hill known as Deakin's Dumpling, with four black oak pointers; thence north 42 degrees east touching the south side of the old McMinnville and Chattanooga stage road at 82 poles and 13 links at a stone marked G. and S. ( which point is north 85 west 2 poles from the mile-post marked 13 miles to Dunlap), in all 120 poles to a small double hickory and several pointers, north of the old abandoned Chattanooga road; thence south 36 degrees east 31 poles to a dead topped white oak with black gum and white oak pointers on the south side of the McMinnville and Chattanooga road; thence north 57 degrees east 146 poles to a stone on the extreme top of Bunker's Hill Ridge north of the McMinnville and Chattanooga road and east of the Brewer or Dividing Ridge road with three hickory and three black oak pointers-stone marked S. C. and G. C.; thence north 51 degrees west 15 poles to a stone with two chestnut and one red oak pointers; thence north 5 degrees east 84 poles to a stone with two white oak and one red oak pointers on the north side of a little basin; thence 54 degrees east 42 poles and 20 links to a stone with three hickory and one white oak pointers; thence north 25 degrees east 64½ poles to a large white oak with five hickory and two black oak pointers; thence north 62 degrees west 51 poles and five links to a white oak with two hickory and one chestnut oak pointers; thence north 3 degrees west 50 poles to a stone with two white oak and several hickory [sic] pointers; thence north 87½ degrees east 27 poles and 10 links to a black oak with two white oak pointers on the east side of the dividing ridge road; thence north 20 degrees east 46 poles to a stone marked G. and S. in the old Wimberly field; thence north 40 degrees east 74 poles and 13 links to a stone with three red oaks one locust and one hickory pointers eastwardly from Wm. Wimberly's house and south of a pond; thence north 32 degrees west 18 poles to a double black gum with three chestnut and one white oak pointers west of the aforesaid pond; thence

north 33 degrees east 20 poles to a stone with hickory, red oak, and black gum pointers on the east side of the dividing ridge road; thence north 16 degrees east 52 poles and 16 links to a stone with 2 hickory and 2 red oak pointers; thence north 49 degrees east 58 poles and 17 links to a stone, with two white oaks, Spanish oak, and black gum pointers on the west edge of the dividing ridge road; thence north 17 degrees east 26 poles and 22 links to a black gum, with black oak, chestnut oak, and hickory pointers, on the west edge of the dividing ridge road; thence north 33 east 32 poles to a stone, with hickory and white oak pointers; thence north 78 degrees east 35 poles and 15 links to a large black oak on the west side of the dividing ridge road, with two hickory and black oak pointers; thence north 47 degrees east 79 poles to a small white oak, with two white oak, three hickory, and one black oak pointers, on the top of the ridge, at the extreme head of Dunaway's Creek, on the East Fork of Collins' River; thence north 59 degrees west 116 poles to a rock, the south-west corner of the Brewer place, including the same in Sequatchie County, with one white, one black, one chestnut oak, and one hickory pointers; thence with or near west boundary line of said Brewer tract north  $2\frac{1}{4}$  east 117 poles to a stake, with one white oak, one locust, and two hickory pointers, about four poles of what is supposed to be the Brewer north-west corner; thence north 45 degrees west 50 poles to a small black gum in Dunaway's Creek, with one chestnut oak on the west side and two maples and one black oak on the east side, pointers; thence down the center of said creek, with its various meanders, north 68 degrees east 20 poles, north 26 east 9 poles and 6 links, north 19 west 6 poles, north 85 east 24 poles, south 70 east 13 poles, north 53 east 10 poles, north  $22\frac{1}{2}$  east 14 poles, north 5 west 26 poles, north 60 east 14 poles, north 26 west 14 poles, north 24 east 21 poles, north 8 east 24 poles, north 60 east 8 poles, north 41 east 14 poles, north 19 east 8 poles, north 29 east 82 poles, north 6 degrees east 22 poles, north 23 east 9 poles, north  $42\frac{1}{2}$  east 8 poles, north 57 east 4 poles, north 41 east 12 poles, north 2 west 15 poles to a point in the center of said Dunaway's Creek in the east boundary line of the James W. Tate place, with four spruce pine, two hollies, one black gum, two maple, and one white oak pointers at a large flat rock marked G. C. and S. C.; thence north  $88\frac{1}{2}$  west with the line of the James W. Tate tract crossing Cane Creek at 462 poles, in all 520 poles, to a stone with pointers, the south-east corner of said tract; thence north  $1\frac{1}{2}$  east, with the line of said Tate tract, 298 poles to the south-west corner of said tract, a black oak and two white oak and two hickory pointers on the north side of a hollow at the foot of a ridge; thence with the base of said ridge north 15 degrees west 43 poles to a black oak and spotted oak with spotted oak and black gum pointers; thence north  $81\frac{1}{2}$  west 109 poles to a stone in the center of the Savage or Peak mountain road, with hickory, white oak, and poplar pointers; thence south 30 degrees west 56 poles to a stone with two white oak, sourwood and dogwood pointers on a narrow ridge; thence south  $83\frac{1}{2}$  degrees west 10 poles to a poplar with hickory, black gum, spotted oak, chestnut, sourwood, and several small bushes pointers, about two poles south of the Savage woodland field; thence north 50 degrees west passing two poles south of the Simeon Savage house at 68 poles, in all 76 poles, to a stone with mulberry and walnut pointers; westwardly of said Savage's house, including said house in Sequatchie County; thence north  $11\frac{1}{2}$  degrees west 46 poles to a stake with black oak, post oak, pine, and chestnut pointers about 8 poles south of the east fork of Collins River; thence north  $70\frac{1}{2}$  degrees west  $151\frac{1}{2}$  poles to a pine with two red oak pointers, south of the Savage or Peak road, near where a road comes off of the hill into the said Savage road; thence north 49 degrees west, passing about two poles south of Virgil Hill's cabin at 70 poles, in all 96 poles, to a stone at the Wright or Knight place near some old apple trees in an old cleared lot; thence north  $8\frac{1}{2}$  degrees west, crossing east prong of Collins River at 22 poles, in all 615 poles, to a white oak near the south corner of the Jake Cagle old field with four small pine and one chestnut pointers; thence north 23 degrees west 58 poles to a stone 2 poles and 10 links north 65 degrees west from the center of the window in the west end of the old Jake Cagle house, marked S. and G.; thence north  $11\frac{1}{2}$  degrees east 436 poles to a stone with one black gum two double maple and three black oak pointers near the south-west corner of the Bozwell Bur 105 acre tract; thence with the west boundary line of the same 2 degrees north 2 degrees east 139 poles and 10 links to a stone in the center of the old and now abandoned Hill road where the west boundary of said Bur crossing said road; thence with the various meanders of said road north 45 degrees west 36 poles, north 41 west 72 poles, north  $53\frac{1}{2}$  west 29 poles, north  $60\frac{1}{2}$  west 101 poles, north  $60\frac{1}{2}$  west 154 poles, north 56 west 52 poles, north  $43\frac{1}{2}$  west 35 poles, north  $90\frac{1}{2}$  west, crossing Lowell branch at 38 poles where the Cagle road intersects the Hill road, in all 102 poles; thence north 61 west 30 poles, north 54 west 42 poles, north  $60\frac{1}{2}$  west 50 poles, north 49 west 58 poles, north  $43\frac{1}{2}$  west 134 poles; north 53 west 18 poles, north 57 west 28 poles, north 62 west, passing the mouth of the lane at John Christian's at 12 poles, in all 50 poles, north 71 west 58 poles, north 51 west 70 poles, north 41 west 16 poles, north 34 west 64 poles to a point in the road opposite the Savage P. Hill cabin spring, north  $57\frac{1}{2}$  west 108 poles, north 55 west 72 poles, north 58 west 65 poles, north  $64\frac{1}{2}$  west 37 poles, north  $74\frac{1}{2}$  west 16 poles, north  $69\frac{1}{2}$  west 36 poles, north  $46\frac{1}{2}$  west 80 poles to a stone marked G. S. and W. in the Warren County line, at the west edge of the old Hill road near a white oak marked as a corner by M. J. Walker, surveyor of Grundy County; thence leaving said road and running with the Warren County line north 82 east, crossing Hill's Creek at 296 poles, again at 558 poles, again at 670 poles in all, 927 poles, to a stone on the side of the hill between the old burnt stand house and the spring, with white oak

pointers, it being the corner of Van Buren, Warren, and Sequatchie Counties; thence north 26 poles to a point in the center of the old Savage road, with several trees marked as pointers; thence with said road south  $73\frac{1}{2}$  east 26 poles, south 79 east 26 poles, north 85 west 20 poles, north  $73\frac{1}{2}$  east 128 poles, north  $2\frac{1}{2}$  east 136 poles, north 78 east 30 poles; north  $87\frac{1}{4}$  east 124 poles, south 88 east  $71\frac{1}{2}$  poles to a stake in the road opposite the old Myers cabin; thence south-westwardly with said road to the west line of the Myers tract of land; thence with its line westwardly to its north-west corner; thence eastwardly to its north-east corner; thence southwardly to said road to said stake, so as to include all of said Myers tract in Sequatchie County; thence south  $68\frac{1}{2}$  east 44 poles, south 66 degrees east 14 poles, north 65 east 22 poles, north 52 degrees east 48 poles, north 59 east 24, north 74 east 26 poles, north 70 degrees east 46 poles, north  $63\frac{1}{2}$  east 42 poles, north 69 east 40 poles, north 75 east 32 poles, north 79 east 30 poles, north 73 east 80 poles, north  $71\frac{1}{2}$  east 58 poles, north  $64\frac{1}{2}$  east 28 poles, south 64 degrees east 26 poles, north  $68\frac{1}{2}$  east 18 poles, north 56 east 14 poles, north 63 east 54 poles, north 69 degrees east 14 poles, north 63 east 54 poles, north 69 east 14 poles, south 89 east 84 poles, south  $84\frac{1}{2}$  east 32 poles, south 87 east 30 poles, north 85 east 46 poles, north 80 east 16 poles, south 86 east 26 poles, south 79 east 18 poles, north 73 east 20 poles, north 81 east 10 poles, north 88 east 38 poles, north  $86\frac{1}{2}$  east 36 poles, to a stake in said old road south of the north chimney of John M. Johnson's house (the Olio post-office now being at said Johnson's, in Van Buren County), north  $87\frac{1}{2}$  east 270 poles, to a stake in said road on the extreme dividing ridge between the waters of Rocky River and Brush Creek; thence leaving said road north 53 east 20 poles, north 13 west 56 poles, north 65 east 20 poles, north 58 east 32 poles, north 69 east 32 poles, north 41 east 22 poles, north  $9\frac{1}{2}$  crossing the Myer road at 92 poles, in all 122 poles, to a stake in the center of the old Hitchcock road, with white oak and post oak marked with X; thence north  $65\frac{3}{4}$  east 585 poles, to a white oak on the west bank of big Brush Creek, and on the north side of the old Harrison road, it being the south-west corner of Bledsoe County, and the north corner of Sequatchie County, said white oak tree marked B, S, and V, and a stone planted at the root of said tree also marked B, S, and V; thence down said Big Brush Creek, with its various meanders, south 1 west 520 poles, south  $5\frac{1}{2}$  east 174 poles, to the mouth of Gladys's Fork, south 55 east 590 poles, to the mouth of Felton's Creek, south 10 east 160 poles, west 58 poles, south  $9\frac{1}{4}$  west 130 poles, south  $62\frac{1}{2}$  east 74 poles, south  $15\frac{1}{2}$  east 88 poles, south  $54\frac{1}{2}$  east 40 poles, to the mouth of the long fork of Big Brush Creek, south  $29\frac{1}{2}$  east 48 poles, south 12 west 40 poles, south 16 east 18 poles, south 31 east 52 poles, south  $46\frac{1}{2}$  east 18 poles, 580 east 26 poles, to the mouth of Flat Rock Branch; thence south 26 poles; thence leaving the creek south  $47\frac{1}{2}$  east, reaching the top of Cumberland Mountain next to Sequatchie Valley at 1,151 poles, crossing West Valley road at 1,538 poles, the Nashville, Chattanooga & St. Louis Railway at 1,543 poles, crossing Sequatchie River at 1,682 poles, again at 1,717 poles, again at 1,805 poles, in all 2,350 poles to the place of beginning, containing 274 square miles.

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

Passed: March 28, 1893.

## Boundaries - Historical Notes

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

1. Public Acts of 1877, Chapter 138, further changed the boundary lines between Marion County and Sequatchie County with a lengthy metes and bounds description of the changes wrought in the act. It was further stated that the sheriff of Marion County, on the first Thursday in April next, was to hold an election to allow the qualified voters of Marion County to decide if said territory in the act was to be moved from Marion to Sequatchie County. Two-thirds vote was needed to detach the territory from Marion to Sequatchie County
2. Public Acts of 1883, Chapter 82, rearranged the lines between Sequatchie County and Hamilton County so that all the lands of L. B. Jones would be wholly included in Hamilton County. The said Jones was required to have a survey made at his personal expense and to file a plat of the property in both counties before the move would take place officially.
3. Public Acts of 1887, Chapter 103, recited in the preamble to the Act that a tract of land known as the Big Opening, entered by Gideon Bouldin and now owned by Thomas S. Myers and A. C. Myers, three-fourths of which was in Sequatchie County and one-fourth was in Van Buren County. This Act moved the one-fourth out of Van Buren County and into Sequatchie County as the present owners desired it to be.
4. Acts of 1903, Chapter 562, transferred the tract of land known as the Mount Airy Farm which was owned by W. B. Pope, out of Sequatchie County and into Bledsoe County.

## Chapter V - Court System



## Court System - Historical Notes

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

County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 747, amended Chapter 645, Public Acts of 1915, so that general law of the State would be applicable to Sequatchie County by quoting the proper population figures from the Federal Census of 1910. This statewide public act regulated the activities and appointment of the members of the Board of Jury Commissioners. The Circuit Judge holding that court in Sequatchie County was authorized to appoint the Board of Jury Commissioners. This Act was repealed by Chapter 170, Private Acts of 1919.
2. Private Acts of 1933, Chapter 116, set up a three member Board of Jury Commissioners in Sequatchie County to be appointed by the Judge having criminal jurisdiction and who must be a discreet people, not attorneys or state officials, and who must not have a suit pending in the courts. The Commissioners would serve two year terms and vacancies were to be filled in the same manner as original appointments were made. The Commissioners must be sworn into office and select one of their number to serve as a chairman. The Circuit Court Clerk was directed to serve as the Clerk and he, too, must be sworn into office and to secrecy regarding the commission's actions. The Commission would select from the tax foils, or other public records, a list of names equal to 1/8 of the number of people voting in the last presidential election, but no less than 250, nor more than 1,000. The Clerk was to furnish a book into which all names chosen were to be entered alphabetically and confirmed by all three commissioners. These names would also be entered on cards or scrolls, and placed in a jury box which would then be locked and sealed, not to be opened at any time except on orders of the court or in the presence of the Board of Jury Commissioners. From ten to fifteen days before court opened, the jury box was to be unlocked by the Board and a child under ten years of age would draw out of the box the number of names specified by the court who would be the Grand and petit jurors for the ensuing term. The Board had the responsibility of purging those from the rolls who had died, or moved away. The cards selected by the child would be placed in a sealed envelope and delivered by the chairman to the judge in open court. The Clerk must keep a list of those serving, and provisions were made to replenish exhausted panels, or to summon special venires. The Sheriff would summon the jurors who could not be excused except by the judge. Commissioners would be paid \$2.00 for each day served as such.

### **Chancery Court**

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

1. Acts of 1857-58, Chapter 11, which created Sequatchie County, provided for the courts to meet at William Rankin's place on Coop Creek until a county seat could be selected and a courthouse built. The Quarterly Court could adjourn the meeting place to other and better places in the county if the court so desired.
2. Public Acts of 1869-70, Chapter 13, established a chancery court at Dunlap in Sequatchie County and the Judge holding the circuit court would also hold the chancery court of the county on the second Monday in April, August, and December. The Judge was authorized to order all the causes originating in Sequatchie County which might be pending in the chancery court at Pikeville or Jasper to be transferred to this Court.
3. Public Acts of 1870, Chapter 32, which was enacted pursuant to the new 1870 State Constitution, organized the Tennessee Courts of Equity into twelve Chancery Divisions across the State. The Third Chancery Division was made up of the counties of Polk, McMinn, Rhea, Meigs, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, and the Special Court at Chattanooga.
4. Public Acts of 1870, Chapter 47, fixed the opening dates for the terms of the chancery courts for every county in the State of Tennessee. In Sequatchie County the chancery court's regular terms would begin on the fourth Monday in March and September.
5. Public Acts of 1883, Chapter 34, changed the opening dates of the terms of the chancery courts in the Third Chancery Division which now included the counties of James, Meigs, Bradley, Polk, Marion, Rhea, Bledsoe, Hamilton, McMinn, Monroe, and Sequatchie whose court would begin its regular terms on the Thursday after second Monday in April and October.
6. Acts of 1885 (Ex. Sess.), Chapter 20, organized the State into eleven Chancery Divisions in this

major revision of the lower judicial system. The Third Chancery Division contained the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, and Coffee. The chancery court's regular terms would begin in Sequatchie County on the first Thursday after the second Monday in April and October. This Act, and several others, were reviewed by the Supreme Court in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).

7. Public Acts of 1887, Chapter 13, provided that the two terms of the chancery court in Sequatchie County and Bledsoe County would be held at the same time as the circuit court by the Judge of the Fourth Judicial Circuit. The Chancery Court docket would be taken up immediately upon the completion of the circuit court docket. The chancery court terms would start on the same days as the circuit court terms in Sequatchie County.
8. Public Acts of 1889, Chapter 13, rearranged the opening dates of the chancery court terms in the Third Chancery Division. The Division was made up of the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Van Buren, Grundy, and Sequatchie where the chancery court would meet on the first Thursday after the second Monday in April and October presided over by the Chancellor of the Third Chancery Division.
9. Acts of 1891 (Ex. Sess.), Chapter 6, changed the terms of the chancery courts in Hamilton County, in Bledsoe County, and in Sequatchie County, all in the Third Chancery Division. Sequatchie County's Chancery Court would begin its terms on the first Thursday after the first Monday in March and September. All bonds and process would be made to conform.
10. Public Acts of 1895, Chapter 37, rescheduled the opening dates of all the chancery courts of the counties in the Third Chancery Division except in Sequatchie County where no change was made.
10. Public Acts of 1899, Chapter 427, was the next complete overhaul of the lower court structure in Tennessee. The State was divided into ten chancery divisions. The Third Chancery Division contained the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs and Hamilton. Sequatchie County's chancery court would continue to meet on the first Thursday after the first Monday in March and September.
11. Acts of 1903, Chapter 110, detached the counties of Marion and Sequatchie from the Eastern Division of the State and placed them in the Middle Appellate Division. All appeals from the county, circuit, chancery, and criminal courts of these counties would here-after be directed to the appellate courts at Nashville instead of Knoxville.
12. Private Acts of 1911, Chapter 435, created the 12th Chancery Division from counties formerly in the Third Chancery Division. The counties would all go into the new Division except Hamilton County which alone would constitute the Third Chancery Division. The counties of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe would make up the 12th Chancery Division. Court terms would continue as ordained under the law and the Governor would appoint a new chancellor for the Division.
13. Private Acts of 1921, Chapter 491, amended Chapter 427, Acts of 1899, so as to change the times for holding the chancery court in Sequatchie County to the Friday after the first Monday in March and September.
14. Private Acts of 1923, Chapter 458, rearranged the terms of the chancery court in Sequatchie County to begin on the Thursday after the first Monday in March and September, all conflicts being repealed.
15. Public Acts of 1931 (Ex. Sess.), Chapter 38, reorganized the entire lower court system of the State. This Act was the last act of this nature to appear in the volumes of Private Acts. All the future changes would be in the form of Code amendments brought about by Public Acts. This Act created fourteen chancery divisions in the State. The Twelfth Chancery Division consisted of the counties of Rhea, McMinn, Warren, Bledsoe, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, Franklin, and Sequatchie whose chancery court terms would start on the Thursday following the first Monday in March and September.

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

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

1. Private Acts of 1925, Chapter 629, stated that in Sequatchie County (identified by the use of the 1920 Federal Census figures) the Clerk and Master of the Chancery Court would be paid \$600 each year, payable monthly, on the warrant of the county Judge, or Chairman, drawn on the general fund of the county. The Clerk and Master would surrender all fees to the County Trustee which were collected in the office except those received from his services as a receiver, or for making up the transcripts of those cases taken to an appellate court.

## **Circuit Court**

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

1. Public Acts of 1857-58, Chapter 11, which created Sequatchie County, also arranged for the circuit court to meet at the house of William Rankin on Coop's Creek on the fourth Monday in January, May, and September. Sequatchie County was assigned to the Third Judicial Circuit at that time.
2. Public Acts of 1857-58, Chapter 95, established the Sixteenth Judicial Circuit in Tennessee which was composed of the counties of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton. A Judge and an attorney General would be elected by the people residing in the new circuit. The Circuit Court of Sequatchie County would take up its docket on a regular basis at Dunlap on the second Monday in February, June, and October.
3. Public Acts of 1857-58, Chapter 98, divided Tennessee into 16 Judicial Circuits. The Fifth Judicial Circuit was made up of the counties of Cumberland, White, Marion, Bledsoe, Morgan, Scott, Fentress, Overton, and Sequatchie where the court would meet on the second Monday in April, August, and December.
4. Public Acts of 1870, Chapter 31, formed fifteen regular, and one special, judicial circuits in the state pursuant to the new State Constitution. The Fourth Judicial Circuit contained the counties of McMinn, Polk, Meigs, Bradley, Hamilton, Rhea, Marion, Sequatchie, Bledsoe, and the special court at Chattanooga.
5. Public Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the circuit courts for every county in the State. The Circuit Court of Sequatchie County would meet for its regular terms on the second Monday in February, June, and October.
6. Public Acts of 1870, Chapter 106, rescheduled the circuit court terms for the counties in the Fourth Judicial Circuit which included the counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Marion, Hamilton, McMinn, the Special Court at Chattanooga, and Sequatchie whose circuit court would come together regularly on the fourth Monday of February, June, and October.
7. Public Acts of 1883, Chapter 34, Section 2, reset the regular terms of the circuit courts in the Fourth Judicial to which were assigned the counties of James, Meigs, Bradley, Polk, Marion, Rhea, Bledsoe, Hamilton, McMinn, Monroe, and Sequatchie. The Circuit Court at Dunlap in Sequatchie County would meet hereunder on the third Monday in March, July, and November.
8. Acts of 1885 (Ex. Sess.), Chapter 20, was the next major revision of the lower court system of the State. Fourteen regular, and one special judicial circuits were devised in Tennessee. In the Fourth Judicial Circuit were the counties of Polk, Bradley, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn and James. Sequatchie County's Circuit Court would commence its regular terms on the Thursday after the second Monday in March, July and November.
9. Public Acts of 1887, Chapter 13, provided that the Circuit Court of Sequatchie County would hereafter have only two terms each year, one beginning on the third Monday in March and the other on the second Monday in November. The Chancery Court was to be held immediately after the Circuit Court by the Circuit Judge.
10. Public Acts of 1889, Chapter 13, Section 3, declared that the Fourth Judicial Circuit's terms of Court would begin as therein provided for the counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Marion, Hamilton, McMinn, James, and Sequatchie. The Court at Dunlap in Sequatchie County would begin on the fourth Monday in March, July, and November.
11. Public Acts of 1889, Chapter 167, also reset the terms of the circuit court in some of the counties of the Fourth Judicial Circuit. Although Sequatchie County was one of those mentioned the terms of court were not changed.
12. Acts of 1899, Chapter 427, in a wholesale revision of the entire lower court system formed fourteen judicial circuits in Tennessee. The Sixth Judicial Circuit consisted of the counties of Franklin, Sequatchie, Marion, and Hamilton. Sequatchie County's Circuit Court terms would begin on the fourth Monday in March, July, and November.
13. Acts of 1903, Chapter 361, established a criminal court circuit composed of the counties of Hamilton, Sequatchie, Marion, and Franklin which circuit would be known as the criminal court division of the Sixth Judicial Circuit in which all criminal cases would be tried. Criminal court terms were slated to begin Sequatchie County on the fourth Monday in March, July, and November of each year. Circuit Court Clerks would serve as the Clerks for the new courts and the Attorney General of the Sixth Judicial Circuit was obligated to prosecute in them. The Governor was



required to appoint a Judge who would be sworn and commissioned as other judges were and serve until his successor could be elected by popular vote. In Sequatchie County the same Judge would hear and decide civil suits at the same time.

14. Public Acts of 1915, Chapter 18, removed the counties of Sequatchie, Marion, and Franklin from the criminal division of the Sixth Judicial Circuit, leaving only Hamilton County in that Division.
15. Public Acts of 1915, Chapter 19, placed the counties of Sequatchie, Franklin, Marion, Grundy, Bledsoe, Rhea, Meigs, and James in the newly created Eighteen Judicial Circuit which did not have a separate criminal division.
16. Private Acts of 1927, Chapter 348, changed the days on which the regular terms of the circuit courts in Sequatchie County and Bledsoe County would start. Sequatchie County would begin its terms of circuit court on the third Monday in January, May, and September, and Bledsoe would commence on the fourth Monday in the same months.
17. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, in this last act to appear in the volumes of Private Acts a total realignment of the lower judicial system took place. In the future changes would take the form of Public Acts amending the State Code. This Act separated Tennessee into twenty judicial circuits. The 18th Judicial Circuit contained the counties of Franklin, Bledsoe, Marion, Grundy, Meigs, Rhea, and Sequatchie whose circuit court would begin its regular terms on the third Monday in January, May, and September.
18. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit. The act also divided the Circuit Court into two parts in which two judges would be elected at the August Election of 1964. The act further allowed the judges to appoint clerks and that each of the judges will be reimbursed out of the State Treasury for their respective expenses as provided by the Public Acts of 1945, Chapter 170. The said junior judge, whose office was created by this act was allowed to appoint a stenographer to assist him.

#### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, fixed the annual salary of the Clerks of the Circuit Courts according to the population class of the county in which they served. This Act applied only to circuit court clerks and seemed to be the first one of this sort to be enacted for clerks. They would file annually on the first day of January each year, a sworn, itemized statement with the county judge, or chairman, showing the amount of fees paid into their offices during the preceding year. If the fees failed to equal the salary, the county would pay the clerk's the difference, but, if the fees exceeded the salary, the clerks were allowed to retain the excess.
2. Acts of 1905, Chapter 119, amended Chapter 255, Acts of 1903, above, so as to remove the counties of Sequatchie and Van Buren from the terms and provisions of that act relating to the clerks of the Circuit Courts.
3. Private Acts of 1925, Chapter 630, declared that in Sequatchie County (identified by the use of the 1920 Federal Census figures) the Circuit Court Clerk would be paid \$600 a year as compensation for his services, payable on the first day of each calendar month in equal payments on the warrant of the county judge, or chairman, taken out of general county funds. It was made the duty of the clerk to pay over to the county trustee all the fees collected in his office.

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

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

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the Eighteenth Judicial Circuit.

#### **General Sessions Court**

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

1. Private Acts of 1983, Chapter 79, added an expense allowance of \$400 per month for the General Sessions Judge of Sequatchie County, which was to be paid out of the ordinary funds of the

county. This act was found unconstitutional in *Barker v. Harmon*, 882 S.W.2d 352 (Tenn. 1994).

### **Juvenile Court**

The following act once affecting juvenile courts in Sequatchie County is included herein for reference purposes.

1. Private Acts of 1982, Chapter 297, as amended by Private Acts of 1990, Chapter 133, created the juvenile court of Sequatchie County. The Private Acts of 1982, Chapter 297, was repealed by the Private Acts of 1997, Chapter 37.

## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 2002 Chapter 83

**SECTION 1.** Chapter 156 of the Private Acts of 1992, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Sequatchie County shall be divided into nine (9) school districts of substantially equal population, which shall be identical to the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Sequatchie County Board of Education (the "Board") shall consist of nine (9) members, with one (1) member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (½) the members of the Board shall expire, with the odd-numbered districts expiring at the same time and the even-numbered districts expiring at the same time. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

As amended by: Private Acts of 2012, Chapter 38

**SECTION 4.**

As amended by: Private Acts of 2012, Chapter 38

**SECTION 5.** The Board shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated.

**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 this 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 county legislative body of Sequatchie County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sequatchie 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 be (sic) become effective upon being approved as provided in Section 7.

Passed: February 14, 2002.

## Compulsory School Attendance

### Private Acts of 1931 Chapter 591

**SECTION 1.** That the Sheriff, deputy sheriffs and constables in counties having a population of not less than 4,040 and not more than 4,050, according to the Federal Census of 1930, or any subsequent Federal Census, be and the same are hereby required to execute warrants and other process in cases under the compulsory school attendance law at the instance of the County Superintendent.

**SECTION 2.** That the Sheriff, deputy sheriff and constables shall be entitled for execution of warrants and other process as set out in Section 1 to such fees and compensation as now provided by law for similar services to be taxed as cost against the convicted defendant.

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

Passed: June 25, 1931.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Sequatchie County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, created a Board of Education in every County of five members, or less, one to come from each of the School Districts into which the county was divided. District Directors and Advisory Boards were abolished. The duties of the Chairman, the Secretary and Board members were prescribed. A three member "Advisory Board" would be elected in each District by popular vote who would perform the duties specified for them. Some counties exempted themselves but not Sequatchie.
2. Private Acts of 1933, Chapter 422, consolidated all the Civil Districts in Sequatchie County into three School Districts as specified by this act, but this was not to affect the manner of operation of the Dunlap School District in any way. The seven member School Board was abolished. Each of the three School Districts herein would elect one member of the Board of Education for a term of two years beginning in August, 1934. All candidates must meet the qualifications established in this Act. The Board would select a chairman and a secretary and discharge the duties stipulated in this act. The Board would meet at least four times annually for which members would be paid \$2.50 per meeting and the Secretary's compensation would be \$10 per month. The Superintendent would be an ex-officio member of the Board but would have no vote. This Act was repealed by Private Acts of 1947, Chapter 748.
3. Private Acts of 1947, Chapter 748, established a County Board of Education in Sequatchie County.
4. Private Acts of 1992, Chapter 156, created a nine (9) member board of education. This act was repealed by Private Acts of 2002, Chapter 83.

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

The acts referenced below once affected the office of superintendent of education in Sequatchie County, but are no longer operative.

1. Private Acts of 1933, Chapter 84, provided that the Superintendent of Public Education of Sequatchie County would be elected by popular vote in August, 1934, for a two year term. Any candidate must first meet all qualifications before his name could be placed on the ballot. Compensation for the Superintendent would be \$500 annually, payable monthly.
2. Private Acts of 1933, Chapter 727, amended the act requiring the popular election of the school superintendent, above, to provide that the Superintendent elected in August, 1934, would assume office on January 1, 1935, but all others elected under the Act would take over the position on September 1, following the election as other officials did, but candidates must still meet all qualifications by furnishing the necessary credentials no later than ten days prior to the election.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Sequatchie 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 1857-58, Chapter 11, provided in Section 12 that Rankin Academy would be the county academy for Sequatchie County which would be located in or near the county seat.
2. Acts of 1907, Chapter 233, formed the "New Hope School District" in parts of Sequatchie and Marion Counties as the District was legally described in the act, beginning at the northeast corner of George F. Smith's land in the boundary line between Marion County and Sequatchie County, following lines as described to include the houses and lands of William Pickett, Mrs. Sarah Dillard, and Joe Carmack at the other end. The County Superintendent of Public Instruction would appoint the school directors who would serve until their successors could be elected by popular vote. The Directors could draw on the Trustee for their pro-rata share of the county school funds. Chapter 264, Acts of 1907, is an exact duplicate of this Act except for the date of passage.
3. Acts of 1907, Chapter 251, created a Special School District in portions of the first and fourth civil districts of Sequatchie County, beginning at the mouth of Brush Creek where it empties into the Sequatchie River running up the creek to the road leading to the old Byron Heard place where it

crosses the creek, and following the lines described in the act to the point where the Sequatchie River meanders back to the Brush Creek region, known formerly as the "Old Union School District". The County School Superintendent would appoint three School Directors for the District to serve until others could be elected. Chapter 258, Acts of 1907, is an exact duplicate of this Act. These acts were superseded by Chapter 422, Private Acts of 1933.

4. Acts of 1909, Chapter 437, incorporated the "New Hope Masonic Academy" in Marion County and Sequatchie County which would be governed, operated, and managed by five Trustees, the act naming R. E. Kelly, William Pickett, M. Y. Easterly, B. W. Condra, and B. H. Hudson, as the first Trustees who would attend to all the business of the School. The duties of the Board of Trustees, and the Secretary, were specifically enumerated in the Bill. This Act was repealed by the one following.
5. Private Acts of 1911, Chapter 380, repealed Chapter 437, Acts of 1909, Item 4, above, which incorporated the "New Hope Academy."
6. Private Acts of 1911, Chapter 534, also repealed Chapter 437, Acts of 1909, above.
7. Private Acts of 1933, Chapter 382, declared that, in Sequatchie County, identified by the use of the 1930 Federal Census figures, the position of Truant Officer, or attendance officer, was hereby abolished and the Board of Education was expressly prohibited from contracting with any person, or to expend any funds, for that purpose. The Quarterly Court, the County Court, and the school system were likewise forbidden to employ a Truant Officer. The prohibition was extended in a subsequent Section of the Act to all city school systems.
8. Private Acts of 1939, Chapter 107, amended Chapter 107, Acts of 1937 (Ex. Sess.), a general state law, by adding at the end of Section 5 a provision that "the appropriations to educational system and the disbursement thereof" would not apply to any independent school district in Sequatchie County.

## Chapter VII - Elections

### Elections - Historical Notes

The following is a listing of acts for Sequatchie County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Private Acts of 1857-58, Chapter 142, Section 3, stated that, if the Chancery Court of Bledsoe County should dismiss the Bill for an injunction filed against the commissioners of Sequatchie County to prevent the establishment of the said county, and there was no appeal from the said dismissal, then it would be the duty of the Chancellor to open and hold an election in Sequatchie County to elect the various county officers as were prescribed in the act which created and organized the county.
2. Public Acts of 1865, Chapter 34, divided Tennessee into eight U. S. Congressional Districts at the close of the Civil War. The Third Congressional District was composed of the Counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, Dekalb and Fentress.
3. Public Acts of 1871, Chapter 146, enacted subsequent to the adoption of the 1870 Tennessee Constitution and which apportioned the State according to the 1870 Federal Census, formed one Representative District from the counties of Sequatchie, Marion, Bledsoe, Hamilton, Grundy, and Van Buren. The Seventh State Senatorial District was composed of the counties of Rhea, James, Hamilton, Bledsoe, Sequatchie, Marion, Grundy, and Van Buren.
4. Acts of 1872, Chapter 7, created nine U. S. Congressional Districts which were also based on the 1870 census. The Third Congressional District was made up of the counties of Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren, and Warren.
5. Public Acts of 1873, Chapter 23, added a tenth U. S. Congressional District to the State rearranging the county grouping in some areas. The Third District contained the counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, Dekalb, Cannon, and Cumberland.
6. Public Acts of 1881 (Ex. Sess.), Chapter 5, permanently established the number of Senators in the General Assembly at 33 and the Representatives at 99.
7. Public Acts of 1881 (Ex. Sess.), Chapter 6, pursuant to the requirements of Chapter 5 above,

provided that the counties of Sequatchie, Bledsoe, Van Buren, and Cumberland would jointly elect one Representative to the General Assembly while the counties of Grundy, Sequatchie, Bledsoe, Van Buren, Rhea, Cumberland, Morgan, and White would share a State Senator.

8. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, apportioned the Representatives of Tennessee in the U.S. Congress. The Third Congressional District included the counties of Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren.
9. Public Acts of 1883, Chapter 237, amended Chapter 27, Acts of 1882, above, to add Meigs County to the Third Congressional District in Tennessee.
10. Public Acts of 1891, Chapter 131, divided Tennessee into Ten U. S. Congressional Districts according to the 1890 Federal Census, Sequatchie County was not mentioned in this Act but a good guess is that the county remained in the Third U. S. Congressional District with no change in the counties enumerated.
11. Acts of 1891 (Ex. Sess.), Chapter 1, amended Chapter 131, Acts of 1891, so as to assign Sequatchie County to the Third Congressional District to rectify the omission occurring in Act above.
12. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the Tennessee General Assembly. The counties of Grundy, Sequatchie, Bledsoe, Van Buren, and Cumberland constituted one Representative District and the counties of Rhea, Bledsoe, White, Cumberland, Sequatchie, Van Buren, and Morgan composed the Ninth State Senatorial District.
13. Public Acts of 1901, Chapter 109, organized the State into ten U. S. Congressional Districts. The Third District contained the Counties of Monroe, Polk, McMinn, Meigs, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, Warren, and Franklin.
14. Public Acts of 1901, Chapter 122, apportioned the General Assembly of the State for the last time until more than sixty years had passed. The Ninth State Senatorial District comprised the counties of Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, and Cumberland. Cumberland, Bledsoe, Sequatchie, Van Buren and Grundy counties would join together to share one State Representative.

## Chapter VIII - Health

### Deputy Coroners

#### Private Acts of 1980 Chapter 195

**SECTION 1.** The county legislative body of Sequatchie County may by Resolution provide for the appointment of one (1) or more deputy coroners. Such deputy coroners shall be appointed by a majority vote of the county legislative body. The county legislative body may by Resolution require the deputy coroners appointed to give bond for the faithful performance of their duties, and fix the compensation of such deputies. The term of office of any deputy coroner shall be the same as provided by law for coroners.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sequatchie County before December 31, 1980. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

Passed: February 18, 1980.

### Health - Historical Notes

The following summary is included herein for reference purposes.

1. Private Acts of 1935, Chapter 822, licensed Dr. J. F. Barker to practice medicine in Sequatchie County and in Dunlap without further ado.

## Chapter IX - Highways and Roads

### Road Law

#### Amendments to Road Laws

1. Private Acts of 1951, Chapter 203, reestablished the position of Road Supervisor in Sequatchie County (identified by 1950 population figures) who would be elected by the voters to two year terms, beginning in the August election, 1952. Until that time W. C. Allen would serve as Road Supervisor. The Supervisor would be sworn, bonded for \$5,000, and could not be a member of the Quarterly Court. Vacancies would be filled by the County Judge until the court could meet and then by the court until the next general election. The Supervisor was to devote full time to the office for which he would be paid \$250 per month, be furnished a pick-up truck and its operational expenses for his use. The Supervisor would have supervision over the road department and its employees, would secure supplies through the methods prescribed in the act, keep records of all the transactions in the department, and lay out and classify roads into four standard classes. W. B. Standefur was named bookkeeper until the July term of the quarterly court in 1952 when his successor would be appointed. His salary would be \$125 per month. The act named H. E. Reynolds as purchasing commissioner to serve until the April term of 1951 for the quarterly court when his successor would be appointed for 1 year. They were to be paid \$5.00 for each meeting but not over \$60 in one year. The Purchasing Commission would supervise all bid openings and the award of contracts pursuant thereto.
2. Private Acts of 1967, Chapter 296, amended Chapter 203, Private Acts of 1951, by raising the monthly salary of the Road Supervisor from \$250 to \$400, and the salary of the bookkeeper was increased in Section 4 from \$125 to \$250 per month.
3. Private Acts of 1968, Chapter 493, amended Section 1, Chapter 203, Private Acts of 1951, by substituting a provision in the first paragraph to state that at the next general election in August, 1968, a Road Supervisor would be elected and qualified, who would hold office for a term of four years, commencing September 1, 1968. No member of the County Court would be eligible for the post of Road Supervisor. This Act was properly ratified by the Quarterly Court of Sequatchie County.
4. Private Acts of 1972, Chapter 239, also amended Chapter 203, Private Acts of 1951, in Section 1, to set the salary of the Road Supervisor at \$700 per month instead of \$400 per month.
5. Private Acts of 1974, Chapter 333, was an amendment to Chapter 203, Private Acts of 1951, by elevating the salary of the bookkeeper of the Highway Department from \$250 per month to \$4,000 annually.

#### Private Acts of 1953 Chapter 575

**COMPILER'S NOTE:** The following act, Chapter 575 of the Private Acts of 1953, is the current road law in effect for Sequatchie County. However, all amendments to the road law have affected Chapter 203, Private Acts of 1951, though the 1951 Act was repealed by the general repealer clause of the 1953 Act.

Certain differences between the 1951 Act and the 1953 Act should be noted, particularly the method of purchasing materials and equipment necessary for the road department, the duties of the bookkeeper, and the prohibition against payment of any salaries from the general county fund. Also, many provisions of the following Act have been superseded by the Uniform County Road Law, found in Tennessee Code Annotated, Title 54, Chapter 10. Summaries of the 1951 act and its amendments follow this act.

**SECTION 1.** That all counties of this State having a population of not less than 5500 and not more than 5700, under the Federal Census of 1950 or any subsequent Federal Census, shall elect at the next general election in August, 1954, a Road Supervisor, who shall hold his office for a term of two (2) years, or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of said Road Supervisor. That for the purpose of carrying out the provisions of this Act, G. H. Johnson is hereby appointed to serve as Road Supervisor until the regular election in August, 1954.

The said Supervisor shall take his oath of office in September following the election as other County officials, and before he assumes the duties and obligations of his office he shall be required to make an indemnity bond in the amount of Five Thousand (\$5,000.00) Dollars with some solvent bonding company authorized to do business in the State of Tennessee, payable to the County, that he will faithfully and honestly comply with the requirements of his office. Said bond shall be paid out of the fund set up herein



as other payments authorized herein.

The Road Supervisor may be removed from office by a majority vote of the Quarterly County Court at any of their regular sessions and upon conviction by said Court after trial that he has been guilty of any illegal acts in office or for the conviction of violating any of the provisions of this Act, but he shall first be furnished with a copy of the charge against him at least five days before date of trial and shall be accorded all rights to defend himself as would be the case in a civil trial in this State. In case of vacancy in office occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge of said Court to hold until the next regular meeting of the said Court, when the vacancy will be filled by said Court until the next regular August election. Said Supervisor shall be a resident of the County for two (2) years next preceding the election in which he seeks the office and shall be a free-holder in said County.

The said Road Supervisor shall devote his entire time to the duties of his office. In the event the County needs his services in connection with other road construction, or for the securing of right-of-ways for other roads or highways not directly under his supervision he must make himself available. The said Road Supervisor, when elected under this Act, shall receive \$250.00 per month, for his services, and in addition he shall be allowed a County owned automobile or pick-up truck to make his trips over the County roads, said upkeep and gas used in said vehicle shall be paid out of the County Road Fund. Said Road fund is herewith declared to be comprised exclusively of two (.002c) [sic] cent gas tax received from the State; and at any time should this gas tax be withheld, for whatever purpose, then all expenses of road building including salaries, shall terminate and payment cease; and said supervisor and County Judge, hereinafter set forth, shall have no authority or power to obligate the general county fund or create under this Act any liability against said County, but shall be restricted exclusively to the said tax on which to operate.

**SECTION 2.** That all salaries, wages, compensation, and all other disbursements authorized hereunder shall be paid from said Road Fund set up herein, and no charge hereunder shall be or become a charge against the general County fund or any other county fund.

**SECTION 3.** That the said Supervisor shall have general supervision of all common, graded and mechanized roads in the County, other than the State and Federal Highways. An emergency fund of Two Thousand Five Hundred (\$2,500.00) Dollars, is hereby set up each month and the same is to be used by said Supervisor in the purchase of materials, machinery and other articles necessary for the carrying on of his duties as such; said materials, machinery and/or other articles shall be such that they could not have been anticipated in advance of their need and shall not be such materials or articles of which said department has continuous need for, such, within the meaning of this Act, to be purchased by said department under rules of public advertisement and bid as set up hereinafter; said emergency fund shall not be cumulative and any portion of said \$2,500.00 not expended during the current month, shall revert to the general fund of said department. It shall be the duty of said Supervisor to take receipts showing the full amounts paid for such purchases and file said receipts along with his report, to be made monthly, with the Clerk of the County Court, which shall show thereon from what person, firm or corporation said purchases have been made and shall become a part of the road records. Any debts incurred by said Supervisor in violation of this section or any other section hereby shall become an obligation against himself and bondsmen, and shall be collected by the County as other debts, and when paid shall be returned to the County road fund.

The said Supervisor shall have the right and authority to employ persons to do work in laying out, constructing and repairing all the public roads and bridges in said County, and fix the wages or salaries to be paid such employees. He shall have control of all machinery and tools and other property necessary and proper in the building and maintaining of roads, which are now the property or may become the property of such county. However, he shall have no right or authority to dispose of any equipment, machinery or other supplies without the consent of said County Judge, which, if given, shall be sold by public bid or auction, whichever, in their opinion, may be to the greatest advantage to said County. The Supervisor shall be authorized to sell any crushed stone owned by said county at a price or rate set by the Quarterly County Court, the proceeds from such sales to be deposited in the County road fund.

**SECTION 4.** That the Supervisor shall issue warrants, countersigned by the County Judge, to the County Trustee for the disbursements provided for under this Act, subject to such further restrictions as set out hereinafter.

**SECTION 5.** That said Road Supervisor shall keep or cause to be kept a record of all his action, preserve all papers, accounts, petitions and reports which may come into his hands, and which shall become public records, subject to public inspection. He shall keep a full and complete record of all claims which he orders paid and it shall be the duty of the County Judge to audit the account so ordered paid. The said Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, in duplicate, one to be retained in the office of the Supervisor and the other to be filed with the County Court

Clerk. At the first session each year of the said Quarterly County Court a complete inventory of all machinery, tools and all other property shall be shown in said report, showing in what repair same is as well as to report the condition of each district roads and bridges.

**SECTION 6.** That for the purpose of this Act, W. B. Standefer, is hereby appointed bookkeeper of the County Highway Department and is to serve in that capacity until the July term of the Quarterly County Court in 1954, at which time said Court is hereby authorized and directed to elect his successor to serve for a period of two years from the date of his election. Said Bookkeeper is to keep all the records of the County Highway Department and such records or such method of bookkeeping shall be used as the Quarterly County Court shall designate, and said Bookkeeper is to work in the office of said Supervisor. Said Bookkeeper, when so employed shall receive compensation not to exceed One Hundred Fifty (\$150.00) Dollars per month. It shall be the duty of the bookkeeper set up herein to report to the County Judge any payment or account of whatever nature of kind which has been due and not paid by said Supervisor for more than thirty (30) days, and when so notified it shall be the duty of said Judge to investigate said report immediately and should he find said report to be true he shall refuse to countersign or approve the payment of any wages or salaries from said fund until a warrant or order shall have been issued by said Supervisor for the payment of said delinquent account or obligation.

**SECTION 7.** That said Supervisor shall submit as often as necessity dictates to the County Judge of such counties request for all machinery, equipment, and supplies which he deems necessary for the proper operation of said department, which, if agreed upon shall be purchased by closed bid after having first advertised same in some newspaper of general circulation in said County for three (3) weeks, stating the machinery, equipment, or materials desired, and setting forth in said publication the general specifications thereof, and time and place of opening of bids, and all such purchases shall be closed with the lowest bidder, but such bids may be all rejected and then re-advertised. No specification for such machinery, equipment or articles needed under this Act shall be so worded as to exclude competitive bidding but shall state in general terms the classification, and object to be accomplished therewith, together with the quality desired. All such bids shall be received in the office of the County Judge and shall be opened in the same office before all bidders wishing to attend on the date announced in said advertisement. For the purpose of this Act all equipment and machinery acquired under conditional sale or rental purchase agreement shall be defined to be a "purchase" under the scope of this Section. All articles and supplies purchased by said Supervisor not coming within the purview of Section 2, paragraph one (1) of this Act shall be purchased under the rules set up in this Section.

**SECTION 8.** That the said Supervisor shall not obligate the said road fund for the payment of anything under which said department shall pay over a period extending beyond the term of office of any current Supervisors, that is from September 1st to August 31st, any obligation in violation of this Section shall become null and void and shall not be chargeable against said road fund or any general fund of said County.

**SECTION 9.** That for the purpose of this Act the Trustee of any County coming under this Act shall have the authority and is directed to immediately deduct from each monthly gas tax payment of said County 8 per centum of said monthly payment and transfer same to the appropriate fund of said County until said County fund shall have been reimbursed for all obligations and payments which have or may be made from said fund on account of expenditures or obligations which were previously made by any highway department prior to the one set up under this Act. However, said Trustee shall have no authority to deduct or transfer any of said fund for expenditures or obligations made by the departments set up herein or hereinafter.

**SECTION 10.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

## Speed Limits

## Private Acts of 1974 Chapter 174

**SECTION 1.** The Quarterly County Court of any county having a population of not less than 6,000 nor more than 6,500 according to the United States Census of Population of 1970, or any subsequent United States Census of Population, shall have the authority to fix the speed limits on the various county roads and highways outside of incorporated municipalities in the county and may fix different speed limits in commercial, industrial, urban, residential, or rural areas, or in school zones or other congested areas, at dangerous intersections, curves, hills and similar places.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly



County Court of any county to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving this Act as provided in Section 2, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 2.

Passed: January 31, 1974.

## Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, was a general road law applicable to all Tennessee counties under 70,000 in population according to the 1900 Federal Census. The county court could select one road commissioner who would serve two years, from each road district in the county, the road districts being co-extensive with the civil districts in the county. The road commissioner would be sworn, bonded, and supervise all roads, bridges, road hands, tools and materials in his district at a compensation of \$1.00 per day for each day worked but not to exceed \$10 in a year. The county court would fix the number of days, which were to be no less than five, nor more than eight, all of eight hours duration, which road hands were compelled to work, and to establish the price one days' labor was worth. All males, outside of cities, between the ages of 21 and 45, were subject to compulsory road work. The county court was required to levy a general road tax of two cents per \$100 property valuation for each day the road hands were forced to work. The Road Commissioner in the district must name the road overseers and assign them to a particular section of public road over which they would be in immediate charge, who would work the same number of compulsory days as anyone else, and then be paid for extra days up to \$6.00 for each year. Road Commissioners must hear and dispose of petitions to open, close, or change the roads in their area, must index and classify the roads, and see that the roads met all the basic specifications. (This Act was involved in the case of *Carroll v Griffith*, 117 Tenn. 500, 97 S.W. 66. (1906).
2. Acts of 1905, Chapter 478, amended Chapter 136, Public Acts of 1901, above, in several minor particulars but primarily rewrote the procedures to be followed by counties in the acquisition of rights of way especially when the exercise of the power of eminent domain was to take place.
3. Private Acts of 1929, Chapter 594, created a three member Board of County Highway Commissioners in Sequatchie County for staggered terms initially, and then for three year regular terms who were to be elected by the quarterly county court, sworn, bonded, and compensated as the quarterly court might direct but compensation was not to exceed \$100 annually. A secretary to the board would be paid up to \$150 per year for performing the duties specified in the act. The Quarterly Court could supplement the pay when unusual duties were performed. The Board was to be in general charge of all the roads, bridges, and accessories in the county. The Board could employ a road superintendent at \$5.00 for each day worked who was to be in immediate charge of the road department and discharge those duties stipulated in this act. The Superintendent would have an office in the court house, would periodically inspect all the roads in the county, classifying and indexing them, making reports to the Quarterly Court as needed, and exercising the power of eminent domain when necessary to acquire rights of way but always in conformity with this statute and the general law regulating the same. The Road Superintendent was required to appoint Road Overseers in all districts wherever possible to supervise maintenance on a particular road section. The Commissioners were to have the charge of the County Workhouse and could work prisoners on the roads. A general road tax levy could be made but could not exceed 25 cents per \$100. All males outside cities between the ages of 21 and 45 must work no less than 3 days nor more than 6 days, as determined by the Quarterly Court, or pay a commutation fee of 75 cents for each day missed. This Act was repealed by Chapter 151, Private Acts of 1939, below.
4. Private Acts of 1933, Chapter 381, amended Chapter 594, Private Acts of 1929, Item 3, above, by rewriting the first Section to provide that members of the county highway commission were to be elected by popular vote at the regular August election to serve two year terms, whereupon the three commissioners elected would assume office on the September 1 following the election. The three incumbents at the time of the passage of this act would remain in office until that time.
5. Private Acts of 1939, Chapter 36, closed the public road leading from east to west through the

lands of Mrs. Lula McMahan Harris beginning at Brush Creek on the west side of the farm and running east to the intersection of the public road, all being located in the First Civil District of Sequatchie County. The act restored full control and possession of this section of road to the owner.

6. Private Acts of 1939, Chapter 150, was the next general road law for Sequatchie County (identified by the use of the 1930 Federal Census figures) which provided that a Road Supervisor would be elected for a two year term beginning at the August, 1940, election but no member of the quarterly county court would be eligible to hold the office. This act names B. R. Farmer to serve as Road Supervisor until one could be elected and qualified in accordance with the above. The Supervisor must meet all qualifications, must be sworn and bonded, and all vacancies would be filled by the Quarterly Court until the next general election but, if the court was not in session the county judge would appoint a supervisor. The Road Supervisor must devote full time to the office, would be paid \$150 per month and would be furnished a pick-up truck to make trips at no expense to the Supervisor, all of which would come out of the road tax funds. The Supervisor would appoint a Road Overseer in each civil district who must work all compulsory days but would be paid for days over that amount at rate of \$2.50 per day not to exceed 75 days in one year. The Overseer would be responsible for all road work in the District and submit monthly reports on the same to the Supervisor on road conditions. All males between ages of 21 and 45 were required to work up to six days each year on the county roads, the exact number to be set by the Quarterly Court, or pay \$1.00 for each day not worked. Failure to do either was a misdemeanor. The Supervisor would be in general charge of the road department, make purchases in accordance with the procedures specified in this act, keep sufficient records, and submit reports, hire all employees and fix their wages. D. L. Griffith was named as Bookkeeper for 2 years at a salary of \$50 per month.
7. Private Acts of 1939, Chapter 151, expressly and entirely repealed Chapter 594, Private Acts of 1929, Item 3, above, and all the amendments to that act.
8. Private Acts of 1941, Chapter 220, repealed Chapter 150, Private Acts of 1939, Item 6, above, in its entirety. This Act created a three member county road commission who were to be elected by the people at large which commission would have general jurisdiction and authority over all county roads. The commission would meet at the courthouse on September 1 following the election and elect a chairman and a secretary. The Chairman would devote full time to the duties of the office supervising all the employees and the distribution of the highway funds for which he would be bonded. The Chairman would see to all record keeping and accounting and countersign all the warrants drawn on highway money. The Chairman would supervise the garage and machinery and make all essential reports to the secretary as he was required to attend all the meetings of the commission. The chairman would be paid \$150 per month, the secretary, \$75 per month, and the associate member would get \$3.00 per day for each day of attendance, all of which would be paid out of road funds. The Commission would meet at least every two weeks. All purchases over \$200 must be by competitive bid. The Act named E. Wiseman, as chairman, Lester Harwood, as secretary, and Willie Wells as associate. The Quarterly County Court must levy a general road tax of ten cents per \$100 to supplement other road funds. (This Act was declared unconstitutional in Farmer v. Wiseman, 177 Tenn. 578, 151 S.W. 1085 (1941)).
9. Private Acts of 1943, Chapter 138, amended Section 6, Chapter 150, Private Acts of 1939, by striking the language which established an emergency fund of \$250 each month from which the Road Supervisor could buy materials when needed, and amended Section 9 in the sixteenth line by raising the salary of the bookkeeper from \$50 to \$75 per month.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Sheriff**

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

1. Private Acts of 1929, Chapter 347, stated that the Sheriff of Sequatchie County (identified by the 1920 Federal Census figures) would be paid an annual salary of \$900 and, in addition, the sheriff was to be paid monthly out of the general funds of the county on the warrant of the county judge, or chairman. All conflicts were repealed.

2. Private Acts of 1945, Chapter 286, declared that the ex-officio fees of the Sheriff of Sequatchie County would be \$1,800 annually, payable monthly out of the general funds of the county on the warrant of the county judge, or chairman. No other fees of any sort were to be paid to the Sheriff other than those mentioned herein.
3. Private Acts of 1969, Chapter 147, was properly ratified by the Sequatchie County Quarterly Court, set the salary of the Sheriff at \$8,400, annually, the salary of the First Deputy Sheriff at \$5,400 annually, and the salary of the Second Deputy Sheriff at \$3,400 per year, all of which was appropriated by the Quarterly Court to be paid in equal monthly installments. All fees collected, or coming into the hands of the Sheriff at any time would be paid over the county trustee every month for the use and benefit of the county.

## Chapter XI - Taxation

### Hotel - Motel Tax

### Private Acts of 1989 Chapter 18

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

- (1) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (2) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (3) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (4) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (5) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

**SECTION 2.** The legislative body of Sequatchie County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided by this act.

**SECTION 3.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county. When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 4.** The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the county to the county trustee or such other officer as may by resolution of the county legislative body be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligations to the county entitled to such tax shall be that of the operator.

**SECTION 5.** The trustee or other authorized collector of the tax authorized by this act shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the trustee by the

operator with such numbers of copies thereof as the trustee may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the trustee and approved by the county legislative body prior to use. The trustee shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body. The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act.

**SECTION 6.** No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 7.** Taxes collected by an operator which are not remitted to the county trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and shall be liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

**SECTION 8.** It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the county trustee shall have the right to inspect at all reasonable times.

**SECTION 9.** The county trustee in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

For his services in administering and enforcing the provisions of this act, the county trustee shall be entitled to retain as a commission one percent (1%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 1, Parts 7 and 9, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The county trustee shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of county taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 10.** The county trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the general fund or such other fund as the county legislative body may specify by resolution.

**SECTION 11.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 12.** 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 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sequatchie County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 13.

Passed: February 22, 1989.

## Litigation Tax

## Private Acts of 1982 Chapter 248

**SECTION 1.** There is levied a privilege tax on litigation in the amount of five dollars and twenty-five cents (\$5.25) upon all original civil suits and cases filed in Circuit, Chancery, Probate and General Sessions Courts in Sequatchie County.

**SECTION 2.** There is levied a privilege tax on litigation of fifteen dollars (\$15.00) in all criminal cases instituted in the Circuit Court or Criminal Court in Sequatchie County.

**SECTION 3.** The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 4.** The privilege tax on litigation shall be collected by the clerks of the respective courts and taxed as a part of the costs in each suit or case. Such clerks shall be accountable for and shall pay over the revenue to the county trustee not later than the tenth (10th) of the month immediately following the month in which such collections are made.

**SECTION 5.** Upon receipt of the funds of such privilege tax on litigation from the respective clerks, the county trustee shall deposit such funds into a separate fund, which is to be designated as the "Court House and County Buildings Maintenance Repair and Improvement Fund," to be used exclusively for the purpose of maintenance and repair of the Court House and other county buildings.

**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 county legislative body of Sequatchie County. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body of Sequatchie County and 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 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: March 4, 1982.

## Marriage Tax

### Private Acts of 1992 Chapter 157

**SECTION 1.** The county legislative body of Sequatchie County is authorized by resolution to levy a tax on the privilege of being married on the courthouse grounds. The resolution levying such tax shall state the rate of the tax and the method of implementation, administration and enforcement. All tax revenue generated pursuant to the tax authorized by this act shall be deposited in the county general fund.

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

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

Passed: March 5, 1992.

## 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 Sequatchie County Assessor.

1. Acts of 1907, Chapter 602, was a public law concerning Tax Assessors.
2. Private Acts of 1915, Chapter 551, amended Chapter 602, Acts of 1907, to set up an annual salary of \$300 for the tax assessor of Sequatchie County.
3. Private Acts of 1947, Chapter 742, amended Chapter 551, Private Acts of 1915, Item 2, above, in Section 1 so as to increase the annual compensation of the Tax Assessor of Sequatchie County from \$300 to \$800.
4. Private Acts of 1963, Chapter 216, properly ratified by the Sequatchie County Quarterly Court added after Section One a provision to pay the Tax Assessor of the County ten cents per mile traveled in the conduct of the business of his office which mileage must be supported by

certificates indicating the miles traveled, but in no event was the annual total to be paid in this regard exceed \$2,800 annually.

### **Taxation**

The following is a listing of acts pertaining to taxation in Sequatchie County which are no longer effective.

1. Private Acts of 1857-58, Chapter 124, required the county clerks in Marion County and Bledsoe County to make out and hand over to the Tax Collector of Sequatchie County a list of the taxes for 1858 which were due in the area which was included in Sequatchie County. All taxes collected in those described areas would be for the benefit of the new county.
2. Public Acts of 1870-71, Chapter 50, stated that all counties and cities could impose taxes for county and municipal purposes in the following manner and upon these conditions (1) that all taxable property shall be taxed according to its value upon the principles established for state taxation, and (2) that the credit of no county or city shall be given, or loaned, to any person, firm, or corporation, unless a majority of the justices, or the councilmen, shall first agree, and then upon an election wherein three-fourths of the voters approve. Twenty-six counties, not including Sequatchie, exempted themselves for the next ten years from the three-fourth approval vote, substituting a simple majority approval vote instead.
3. Private Acts of 1939, Chapter 490, created the offices of county auditing and Back Tax Collecting Commission in Sequatchie County (identified by the 1920 Federal Census figures) and named S. B. Wilson, D. M. Harris, and Fred Wilson as the original members of that commission. On the first Monday in January, 1942, the Quarterly Court would appoint commissioners for two years, three years, and four years and fill vacancies which might occur for the unexpired portions of the said term. The commissioners would make audits as authorized under general state law being governed by its terms and dictates. The Commission would collect delinquent taxes of all sorts and descriptions and be paid 50% of all the back taxes collected. The commission could secure the services of the State Auditor whenever they deemed it necessary, and could initiate suits to recover any losses or to correct any error. Sequatchie County did not meet the census figures quoted in 1920 but did come

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