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# Administration - Historical Notes

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Sincerely,

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# Administration - Historical Notes

## **Budget System**

The following act once created a budgeting system for Overton County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1937, Chapter 840, was the first Budget Law and System for Overton County. The 1941 act which is published herein did not specifically repeal this act but did provide for the elimination of conflicts. The 1941 law changed several administrative provisions such as the time for filing budget requests, the time of the fiscal year, reassigned and added to some specific statements or responsibility, but retained the substance of all the definitions.

## **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Overton County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 42, created the office of county attorney in Overton County, who shall be a licensed attorney and otherwise legally qualified, and who shall be appointed initially by the governor to serve until a county attorney can be elected by the people at the regular general August election. He shall transact all the legal business of the county that does not conflict with the county judge's duties, and advise county officials on legal matters. His salary shall be \$300 a year, payable quarterly, out of the revenue of the county. This act was repealed by the one following.
2. Private Acts of 1915, Chapter 685, specifically repeals Private Acts of 1911, Chapter 42, above.
3. Private Acts of 1941, Chapter 68, again provided for the office of county attorney in Overton County, naming J. A. Oakley, who is duly and well qualified for the position, to hold the office until September 1, 1942, when his successor, duly elected by the qualified voters in the August election, shall take over the office. The county attorney must be a licensed attorney over 35 years of age who shall be paid \$900 a year. The attorney shall transact all the legal business of the county, either in court, or otherwise, and advise county officials, including the highway commission, upon any legal matters affecting their offices. The county attorney shall also file all the bills to collect delinquent taxes at no additional compensation. All fees accruing as a result of the delinquent tax bills shall be the property of the county.
4. Private Acts of 1955, Chapter 19, amended Private Acts of 1941, Chapter 68, above, by removing the thirty-five year age limit from Section 3 for the county attorney, and validating the election of anyone who was otherwise qualified except for the age at the time of his election. This act was properly ratified by the quarterly court of Overton County.
5. Private Acts of 1969, Chapter 56, properly ratified by the quarterly court of Overton County, expressly repealed Private Acts of 1941, Chapter 68, as amended, in its entirety. In the event a vacancy should occur before the expiration of the term of office of the present incumbent, the vacancy would not be filled.

## **County Clerk**

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

1. Private Acts of 1825, Chapter 125, stated that a judgment rendered in the circuit court of Davidson County, against Joseph Harris, clerk of the county court of Overton, and his securities for \$5,000, be released, upon said Joseph Harris, paying the cost that shall have accrued upon said suit. The judgment stated that Joseph Harris failed to return a sheriff's bond from Davidson County to the treasurer of West Tennessee for the year 1824.
2. Private Acts of 1911, Chapter 301, fixed the salary of the county court clerk of Overton County, identified by the use of the 1910 Federal Census figures, at \$1,200 per annum, payable quarterly on the warrant of the county judge and out of any county funds available. All the fees collected by the office of the county court clerk must be accounted for and paid into the county treasury.
3. Private Acts of 1913, Chapter 143, expressly and entirely repealed Private Acts of 1911, Chapter 301, above, which set the annually salary of the county court clerk.

## **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created and established the office of county judge for every county in Tennessee, who would be learned in the law and elected by the people for four year terms. The county judge would be commissioned as other judges are and exercise the powers and authority specifically granted to him in this act. Quorum courts were abolished and their duties given to the judge. The county judge would also be the accounting officer and general agent of the county for which an additional enumeration of powers are granted. The county court clerk shall continue as clerk of that court and keep the proper dockets. The county judge was not precluded from practicing law except in his own court.
2. Public Acts of 1857-58, Chapter 5, expressly repealed the above act and restored the quorum courts and all the laws which may have been expressly, or impliedly, repealed by that law.
3. Public Acts of 1887, Chapter 164, provided that the people of Overton County would elect a county judge for a four year term who was a citizen of the county, thirty years of age, or older, and of good moral character. The election would take place at the general August election in 1888. He would have all the rights, power, and authority of other county judges and would also discharge the duties of the chairman of the county court which position was abolished. The annual salary was set at \$300 to be paid out of the county revenues collected during the year the services were rendered. The chairman, however, would continue to hold office until the Judge was duly elected hereunder. This act was repealed by Private Acts of 1915, Chapter 535.
4. Acts of 1909, Chapter 582, amended Public Acts of 1887, Chapter 164, above, by adding a provision that the salary of the county judge of Overton County shall hereafter be \$600 a year, payable quarterly out of regular county revenue but the salary of the present Judge shall not be increased during the current term.
5. Private Acts of 1915, Chapter 535, expressly repeals Public Acts of 1887, Chapter 164, Item 3, above, which created the position of county judge for Overton County.
6. Private Acts of 1921, Chapter 179, regulated the per diem and mileage of justices of the peace attending quarterly court in Overton County. The justices received \$4.00 per diem for their attendances, and five cents per mile for each mile traveled to and from the courthouse. The money was paid out from the county revenue; provided, that mileage be allowed for attendance for not more than two days. Furthermore, justices who lived beyond five miles of the courthouse were not entitled to receive mileage.
7. Private Acts of 1925, Chapter 331, established again the office of county judge, who would have an eight year term and be paid a salary of \$1,200 annually, out of regular county funds. The first judge would be elected in the August 1926, election, sworn, and bonded for \$10,000, but the governor would appoint someone to serve until September 1, 1926. The judge must be licensed to practice law and must discharge the duties and responsibilities generally specified. The county court would meet on the first Monday in each month and continue open until the docket was completed while the quarterly court would continue to meet as required by law. Nothing herein shall interfere with the duties of the county court clerk in relation to the court. The judge was allowed to practice law except in his court.
8. Private Acts of 1931, Chapter 75, amended Private Acts of 1925, Chapter 331, above, by deleting the section which required the county judge to be an attorney licensed to practice law in courts of record and substituted a provision which set a minimum age limit of thirty years, required the judge to be learned in the law and qualified to hold the office. This act was repealed in Item 9, below.
9. Private Acts of 1933, Chapter 459, stated that the annual salary of the county judge of Overton County should hereafter from September 1, 1934, be \$600 instead of \$1200.
10. Private Acts of 1935, Chapter 453, specifically repealed Private Acts of 1931, Chapter 75, as amended Item 7, above, in its entirety.
11. Private Acts of 1941, Chapter 432, amended Private Acts of 1925, Chapter 331, by striking out Section 5, and adding a new section which required that the county judge be 30 years of age, or older, and a citizen and resident of the state and Overton County.
12. Private Acts of 1943, Chapter 327, fixed the compensation of the county judge of Overton County, identified by the use of the 1940 Federal Census figures at \$1,500 a year to become effective immediately upon the adoption of the act.
13. Private Acts of 1963, Chapter 43, amended Private Acts of 1925, Chapter 331, by adding a

provision at the end of Section 6 which gave the county judge concurrent jurisdiction with the other judges and chancellors to grant injunctions, attachments, and other extraordinary process to issue out of the same court. He shall further have the jurisdiction with chancellors to remove the disabilities of infancy from minors. This was properly ratified by the quarterly court.

14. Private Acts of 1974, Chapter 228, created the office of county manager and set an annual salary of \$12,000. The act also abolished the office of county judge.
15. Private Acts of 1975, Chapter 16, changed the title of county manager as created by Private Acts of 1974, Chapter 228, to county judge.

### **County Legislative Body**

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

1. Acts of 1806, Second Session, Chapter 27, which created the county, also provided that the first county court would meet at the house of Benjamin Totten until changed by law.
2. Acts of 1806, Second Session, Chapter 48, set the dates for holding the quarterly courts of all the counties in the Mero District of Middle Tennessee. The court would open in Overton County on the first Monday in January, April, July, and October.
3. Acts of 1807, Chapter 53, scheduled the terms of court for the courts of pleas and quarter sessions for Franklin, Warren, White, Jackson, Smith, and Overton counties, all of which were assigned to the new Winchester District which had been taken out of Mero because oversized. The court would meet in Overton County on the third Monday in February, May, August, and November.
4. Acts of 1809, First Session, Chapter 93, scheduled the opening dates for the quarterly courts of every county then existing in Tennessee. Overton County would continue to convene its court on the third Monday in February, May, August, and November.
5. Acts of 1809, Second Session, Chapter 38, repealed Section 9 only of the act which created Overton County, Acts of 1806, Second Session, Chapter 27, and then provided that the court of pleas and quarter sessions for the county shall, from and after June 1 next, be held in the town of Monroe in Overton County on the dated heretofore established by law.
6. Acts of 1812, Second Session, Chapter 68, changed the times for the court of pleas and quarter sessions to meet in several counties switching Overton County to the second Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, reset the terms of the quarterly courts in several counties of the district moving Overton County's opening dates for the court to the fourth Monday in January, April, July, and October.
8. Acts of 1815, Chapter 76, was the authority for the county courts of Smith and Overton counties to lay a sufficient additional tax to raise a sum sufficient in the next two years to build a good, substantial jail and stocks at the present court house and the commissioners of the town of Monroe are to proceed forthwith to contract with someone to accomplish that objective.
9. Acts of 1817, Chapter 138, Section 3, rearranged the opening dates for several counties in the Winchester District but Overton remained on the fourth Monday in January, April, July, and October.
10. Private Acts of 1819, Chapter 21, Section 3, permitted the county courts of Overton and Warren counties the authority to levy a tax upon every description of taxable property in their counties, to allow them to build or repair jails.
11. Private Acts of 1819, Chapter 160, again changed court terms for several of the circuit and county courts but Overton was again assigned to the fourth Monday in January, April, July, and October.
12. Private Acts of 1820, Second Extra Session, Chapter 50, was the authority for the county court of Overton County to employ some skillful person to transcribe all the records of the Overton County Court, which were recorded in pasteboard covers, into better bound and more durable books as the court may deem necessary. The court may select a time to contract for the work, and lay a tax, if needed, to raise the funds to pay for the same. The county court clerk may appoint a committee of three citizens to supervise the work, who shall be sworn and who will be present during the transcription period. The county court shall determine the amount of the salary to be paid to the employee which shall be paid out of county funds.
13. Private Acts of 1821, Chapter 216, stated that it had been reported to the general assembly that

- all the records, documents, and papers pertaining to the office of James Whiteside, an acting justice of the peace for Overton County, have been lost, or destroyed, and great harm may result to many people because of it, therefore, those who may be damaged thereby may establish their documents by affidavit, having subscribed to the oath set out verbatim in the act, and provided further, that all the regulations enacted in the act are carefully observed and met.
14. Private Acts of 1825, Chapter 171, fixed the terms of the courts of pleas and quarter sessions in a number of counties. The Overton County Quarterly Court would meet hereafter on the third Monday in January and July and on the fourth Monday in April and October. The court would sit for one week, or longer, up to 2 weeks, if the docket required that long to complete.
  15. Private Acts of 1826, Chapter 78, stated that the justices of the peace in several counties named in the act, including Overton County, on the first day of the January term of court, a majority of the justices being present and agreeing thereto, could select three of their number as a quorum court, to hold the court for the remainder of the year under the same rules and regulations as were observed by the full court.
  16. Public Acts of 1831, Chapter 55, changed the schedule of the county courts in Overton to the fifth Mondays of January, April, July and October.
  17. Public Acts of 1832, Chapter 20, changed the schedule of the quarterly courts in Fentress, Jackson, and Overton counties to the fifth Monday in January, April, July, and October, and in the event there was no fifth Monday in the month, to the first Monday in February, May, August, and November.
  18. Public Acts of 1835-36, Chapter 6, pursuant to the new 1835 Constitution, provided for a court in every county of justices of the peace to meet on the first Monday in every month and hold open until the business of the court was completed. Three of the justices could hear the probate of wills and entertain the administration of decedent's estates. They could select 25 jurors for the court, or 37, whichever was better for them.
  19. Private Acts of 1947, Chapter 80, amended Private Acts of 1897, Chapter 170, Section 1, by substituting a district for the election of one justice of the peace and one constable which includes the town of Hillham in the third civil district of Overton County. The properties are described generally and some of the owners are called by name as Herman Ayers, Harold Copeland, S. D. Bilyou, Jim Myers, Clifford Holman, Elmo Wilson, Elbert Craft, Herman Fisk, W. G. Smith, Billie Gaw, Jay Maxwell, Tom Boyd, George Brown, Charley Hawkins, and Mrs. W. A. Ayers.
  20. Private Acts of 1949, Chapter 217, recited in the preamble that Private Acts of 1947, Chapter 810, (listed herein in civil districts) had been repealed which would restore the old twelve civil districts to replace the four which Chapter 810 created in their place, thus leaving several districts without a justice of the peace, or a constable. This act required the county election commission of Overton County to hold elections in each precinct but not before May 15, 1949, nor no later than June 1, 1949, in order to select the justice and constable for each district missing them. Those now in office would stay in the district in which they lived until their term expired. The election would be under the general law.
  21. Private Acts of 1959, Chapter 196, would have raised the per diem pay for the justices of the peace in Overton County to \$10.00 per day for their attendance at the meetings of the quarterly county court and ten cents per mile for each mile traveled to and from their homes and the courthouse, but this act was rejected by the quarterly court and never became a law.
  22. Private Acts of 1963, Chapter 290, raised the per diem of the justices of the peace in Overton County to \$10.00 per day and fixed the mileage at 10 cents per mile.
  23. Private Acts of 1969, Chapter 27, amended Private Acts of 1963, Chapter 290, above, by increasing the per diem allowance for justices of the peace from \$10.00 to \$20.00 but did not change the mileage payments. This act was properly ratified by the quarterly court.\

### **County Register**

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

1. Public Acts of 1827, Chapter 4, stated that, in addition to all the other register's offices, a register shall be appointed by the general assembly to have an office in Sparta, whose duties will correspond with the other registers in the state. All the land entered upon in the counties of Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson, and all the plats and certificates for the same, shall be registered at this office in Sparta upon the payment of the proper fee.

2. Private Acts of 1829-30, Chapter 183, provided that the register and the circuit court clerk of Overton County could keep their offices at any place within one-half mile of the courthouse of the said county.
3. Private Acts of 1917, Chapter 261, declared that, in Overton County, females over the age of 21 are eligible to hold the office of county register. They shall execute the same bond, take the same oath, perform the same duties, and be subject to the same penalties as any other register in the state.

### **County Trustee**

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

1. Private Acts of 1825, Chapter 309, appointed Jacob Dillon, Patrick Pool, and Reuben Finley, as commissioners for the purpose of making settlements and to call in the different trustees who have not made final settlements to do so. The courts may, on motion, enter judgment against any trustee owing a balance in his accounts. Hereafter, the commissioners shall settle with the trustees on an annual basis.
2. Private Acts of 1827, Chapter 57, gave the commissioners appointed by the 1825 Act, above, to settle accounts with the trustee of Overton County the power to call on any of the defaulters to settle, or to answer under oath any interrogatories the commissioners should care to send. The commissioners may proceed to conclude the accounts in the manner they deem best suited to them and the occasion.
3. Private Acts of 1831, Chapter 100, recited in the preamble that the county court of Overton County had made an order allowing a former trustee a credit of \$1500 in settlement of his account. This act makes it the duty of the attorney-general to file with the circuit court judge a petition stating the allowance of the above named credit, if the same is approved. The trustee's record book may be used as evidence of the payment of the claim but the trustee must satisfy the court he is entitled to the credit.
4. Public Acts of 1885, Chapter 101, authorized and directed the comptroller of the state to issue his warrant to J. J. Phillips for \$20.70 which was the amount of the overpayment of the state tax paid by him while trustee of Overton County.
5. Acts of 1909, Chapter 38, directed that the sum of \$103.96 be refunded to T. J. Ray, trustee for Overton County, out of any money not otherwise appropriated and committed, this sum being the amount overpaid by him on the taxes for Overton County for the year 1907. The comptroller was authorized and directed to issue the proper warrant.

### **General Reference**

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

1. Acts of 1813, Chapter 46, gave to Abraham Carlock, of Overton County, the privilege to retail merchandise of any description in all the counties of Tennessee without having to pay any state, or county license fees, or taxes. Further, Rebecca Watson may retail spriritous liquors in Overton County without having to secure a license or pay taxes thereon.
2. Acts of 1815, Chapter 94, was the authority for George Wallis to erect a warehouse at the mouth of Obed's River for the purpose of inspecting and safekeeping tobacco and other commodities in accordance with existing law.
3. Acts of 1815, Chapter 100, allowed William Chilton to erect a warehouse on the north side of Obed's River near the mouth of Eagle Creek, on his own land, in order to receive, inspect, and safely keep tobacco, and other commodities, all to be in conformity with the regulations established by existing law.
4. Private Acts of 1826, Chapter 155, was the legal authority for Thomas McBath to hawk and peddle his goods and merchandise in Overton and Fentress counties without having to secure a license to do so. Sarah Brown was likewise given the privilege of selling spirituous liquors in Overton County by less quantity than one quart without having to purchase a license to do so.
5. Public Acts of 1831, Chapter 43, Section 5, stated that James W. Smith and Bailey Butler, Sr., of Jackson County, and Alvin Cullom and William Dale, of Overton County, constituted a board of internal improvement for Jackson and Overton counties. The board shall invest \$1,479 in

- improving the navigation of Obed River in Overton County and the remainder of the funds on hand shall be expended for the same purpose in Jackson County.
6. Private Acts of 1831, Chapter 59, was the enabling legislation for William Gore, Enoch Murfree, Benjamin Gabbart, and George Sevier, all of Overton County, and Mounts Gore, of Jackson County, to conduct a lottery scheme to raise up to \$10,000 to improve the navigation of Obed's River in Overton and Jackson counties, with some work in Fentress County, also, and, further, to build a public bridge across the river on the route from Monroe to Monticello, in Kentucky. The trustees, name above, of the lottery must make bond and strictly follow all lawful regulations for conducting lotteries.
  7. Private Acts of 1831, Chapter 113, appointed Jesse Cobb, David Beaty, Person Miller, William Travis, and John Richardson, of Fentress County, to be a board of internal improvement to improve the navigation of Obed's River in Overton and Fentress counties. The chairman of the board was directed to make bond for \$1500, and the board would then be permitted to receive \$600 out of the portion of funds allotted to Middle Tennessee for 1829 under the General Internal Improvement Act of the state.
  8. Private Acts of 1832, Chapter 73, Section 6, authorized the county court of Overton County to appoint commissioners of internal improvement in case of death, resignation, removal or refusing to serve, of those appointed.
  9. Private Acts of 1832, Chapter 137, declared that the sheriff of Overton County shall hold an election at Monroe and at Livingston, at William Holman's house on the Obeds River, and at the widow Holford's house on Spring Creek, on the first Thursday and Friday in July, 1833, for all the qualified voters of the county to vote on either Monroe or Livingston to be the county seat of Overton County. The election officers would meet at Monroe on the Saturday following the election, county the votes, and certify the results to the county court. The sheriff would appoint three competent people to be the judges of the election. Jonothan Douglas, Enoch Murfree, Adam Gardenhire, John Mongold, and Alfred C. Robertson were to be acting at Monroe's election, and Allen McDonald, Joel T. Coffee, James Dennis, Patrick Pool, and Thomas Fancher were to be judges at Livingston. William Turner, William Snodgrass, William Hayter, Thomas Simpson, and Samuel C. Mitchell, were assigned to Holman's, while William Donaldson, James McMillan, James Peak, John Goodpasture, and Joseph Goobar, were to be in charge at Holford's.
  10. Public Acts of 1832, Chapter 16, established a board of internal improvements for Overton County, composed of Alvin Cullom, William Dale, and George W. Sevier, and also one for Jackson County which had on it, Bailey Butler and Henry Sadler. The prior act which established a joint board for Overton and Jackson counties was repealed.
  11. Private Acts of 1833, Chapter 21, allowed George Wallace to hawk and peddle goods, wares, and merchandise in Overton County without having to buy a license to do so.
  12. Private Acts of 1833, Chapter 60, recited that Isaac Atkins, while in the employment of the internal improvement commissioners of Overton County, was severely injured while clearing out the obstructions to navigation in Obed's River. This act was the legal authority for the commissioners to pay to Isaac Atkins any sum of money not to exceed \$75.00 out of the internal improvement funds in their hands, not otherwise committed to be expended, and Atkins' receipt for the same shall be a sufficient voucher.
  13. Public Acts of 1869-70, Chapter 49, repealed all the laws which created county commissions instead of county judges and quarterly courts and restored all laws which had been repealed by them.
  14. Private Acts of 1911, Chapter 440, was the authority for the county court of Overton County to elect female citizens of the state and county in which they reside to be notaries public, said females being declared eligible hereunder. Any one being elected as such must make the same bond and take the same oath as are now prescribed by law for notaries public in Tennessee.
  15. Private Acts of 1915, Chapter 333, was the Abutting Property Owners Law for Overton County. The owners of property were allowed to enclose by fence all the unused streets and alleys for agricultural purposes and to protect and prevent the same from becoming unsightly, until such time as the citizens of the town might require the use of the land, streets, and alleys which would then be opened by order of the county court. No statute of limitations shall run in favor of anyone enclosing said alleys, or streets, so as to bestow any right, title, or interest upon them.
  16. Private Acts of 1917, Chapter 179, made it the duty of the county judge, or chairman, of Overton County, identified by the 1910 Federal Census figures, to advertise in some newspaper for bidders on being depository for county funds coming in the rest of the year. The bidder making the



highest bid on payment of interest will be the repository of the county funds on making satisfactory bond. Upon being notified of the successful bidder, the trustee shall deposit all funds on hand and as they accrue with the bidder's firm. The bidder shall submit a monthly report on the status of the funds and the amount of interest paid and earned. The failure of the repository to honor any check, or pro\*per warrant, shall terminate the contract immediately. If bids result in a tie, the judge may allow raised sealed bids to be submitted.

17. Private Acts of 1937, Chapter 41, emancipated Pearl Clark Parrott from all the disabilities of her minority. She is the wife of Hatton Parrott, and will henceforth be capable of transacting business and doing all other things an adult may lawfully do.
18. Private Acts of 1979, Chapter 108, was an act which required the purchase of a building permit or installation permit by certain persons for certain purposes related to real property located in Overton County which forbid the provision of utility services to the property until compliance and which provided other penalties for violations. This act was not acted on by the Overton County Legislative Body making the act ineffective and void.

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