



May 19, 2024

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# Overton

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

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

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# Overton



Overton County Courthouse

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# Chapter I - Administration

## Budget System

### Private Acts of 1941 Chapter 375

#### **SECTION 1.**

- (a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Overton County, Tennessee.
- (b) The term "County Court Clerk," when used in this Act, shall mean the County Court Clerk of Overton County, Tennessee.
- (c) The term "Sheriff" when used in this Act shall mean the Sheriff of Overton County, Tennessee.
- (d) The term "Trustee" when used in this Act shall mean the Trustee of Overton County, Tennessee.
- (e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Overton County, Tennessee.
- (f) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Overton County, Tennessee.
- (g) The term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any Department or Institution of Overton County.
- (h) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Overton County, Tennessee.
- (i) The term "Quarterly County Court" when used in this Act shall mean anybody or group of people having jurisdiction over the operation of the fiscal affairs of Overton County, Tennessee.
- (j) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Overton County, Tennessee.
- (k) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Overton County, Tennessee.
- (l) The term "School Board" when used in this Act shall mean the County Board of Education of Overton County, Tennessee.
- (m) The term "Highway Commission or Commissioner" when used in this Act shall mean the Highway Department of Overton County, Tennessee.
- (n) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by Court for each Department or activity of Overton County for the period shown by the adoption of the Budget by the Quarterly County Court and any appropriation authorized by statute.
- (o) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Overton County, Tennessee, as hereinafter provided.
- (p) The term "Budget Committee" when used in this Act shall mean a committee of three (3) members so elected by majority vote of the Quarterly County Court of Overton County, one of which shall be a member of said Court, as hereinafter provided.
- (q) The term "Expenditure or Expend" when used in this Act shall mean the act of committing Overton County, Tennessee, to expend monies then and there in the County Treasury or to come into the County Treasury of Overton County, Tennessee.

**SECTION 2.** That at least thirty (30) days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Overton County, Tennessee, shall prepare a budget containing a complete plan, itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year. Opposite such item of proposed expenditure, the budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increase or decrease in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: An itemized estimate of the receipts to be available during the current fiscal year, but such itemized estimate shall be subject to the following provisions:

- (a) Such estimate of delinquent taxes shall not exceed an amount which represents the percentage of the amount of taxes delinquent on the first day of the current fiscal year which were actually collected in cash during such preceding fiscal year.
- (b) Such estimate of collections of special assessments shall not exceed an amount which represents the same percentage of the special assessments unpaid and owing to said County on the first day of the current fiscal year, as the percentage of special assessments unpaid and owing to said County on the first day of the preceding fiscal year where they were actually collected in cash during the preceding fiscal year.
- (c) Such estimate of collections of miscellaneous revenues from sources other than taxes or special assessments shall in no instance, nor as to any item, be in an amount in excess of the amount of such miscellaneous revenues collected in cash in the preceding fiscal year; provided, however, that there may be included in the estimate cash receipts for such amount of additional miscellaneous revenues to be derived from sources other than ad valorem taxes or special assessments as may be approved by the Director of the Budget.
- (d) The amount of cash surplus being an amount not larger than the amount of cash on hand or on deposit to the credit of the several funds of said County at the close of the preceding fiscal year, exclusive, however, of any cash derived from prepaid taxes or other sources applicable to the budget of the succeeding fiscal year to the extent that such cash is in excess of all outstanding or unpaid bills or other obligations lawfully incurred during such fiscal year, and all amounts payable therefrom to all special funds of the County. Second: An itemized and complete financial balance sheet of each fund account of said Overton County, Tennessee, at the close of the last preceding appropriation year.

**SECTION 3.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in Overton County, Tennessee, or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen (15) days prior to the date set for hearing, at which any citizens of the said Overton County shall have the right to attend and state their views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court, with recommendation for adoption, such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the County for next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it shall be mandatory upon the Quarterly County Court to adopt a budget for the ensuing fiscal year, and the revenues applicable to such budget so adopted shall be in conformity to the requirements of the provisions of Section 2 hereof.

**SECTION 4.** That the Budget Committee or Director of the Budget of Overton County, Tennessee, may require the heads or other responsible representatives of all departments, divisions, boards, commissions, agencies, or offices of said County as more specifically named in Section 1 hereof to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SECTION 5.** That it shall be, likewise, the duty of the School Board of said County, on or before the first Monday in April of each year, to prepare and file with the Budget Committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

**SECTION 6.** That it shall be distinctly understood that it shall likewise be the duty of the Highway Department and/or Highway Commission of said County, at least thirty (30) days prior to the beginning of the fiscal year in each year to prepare and file with the Budget Committee an itemized statement or budget, as specified in Section 2 of this Act, of the funds which said Department or Commission estimates will be necessary for the maintenance and operation of the roads in said County and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

**SECTION 7.** That the Quarterly County Court shall, at any regular, adjourned or specially called session of such Court, and at the expiration of each second calendar year thereafter (second calendar year thereafter shall mean the time nearest to a regular session of the Quarterly County Court), elect a Budget Committee consisting of three (3) members, one of which must be a member of the Quarterly County Court, and the other two members to be such persons so designated and elected pursuant to a majority

vote of the then existing members of the Quarterly County Court; the Budget Committee so elected shall receive as compensation for their services a fee of Three (\$3.00) Dollars for each and every day spent in the preparation of the budget heretofore mentioned; provided, however, that the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of Forty-eight (\$48.00) Dollars.

Likewise, it shall be the duty of the Quarterly County Court, at the time of naming the Budget Committee, to appoint a person who shall be known as "Director of the Budget," which such person may be the Judge or Chairman of the Quarterly County Court, if so appointed upon a majority vote of the then existing members of the Quarterly County Court, or otherwise, may be a person not being a member of the Quarterly County Court, but must be, however, a taxpayer within said County.

**SECTION 8.** That pursuant to the election of the Budget Committee as provided under Section 7 hereof, and pursuant to the adoption of a budget recommended by said Committee, or otherwise, the budget so adopted and approved by the Quarterly County Court, the completed budget, after approval as afore provided for, shall be delivered to the Director of the Budget, which said Director shall be charged with the responsibility of seeing to the proper application and/or the expenditures made therefrom.

Thereupon during the ensuing fiscal year no member of the Quarterly County Court, or the Budget Committee, or other departmental head or representative of said County shall have the right to expend or to authorize the expenditure of any money in the County Treasury or any appropriations other than those set forth in the adopted budget; and provided, further, that the expenditures can be made against the budget so adopted only upon the following conditions:

- (a) That any departmental head of Overton County may authorize the expenditure of money provided appropriation has been made for such expenditure, and, at the time the expenditure is authorized, that a requisition has been properly executed by the Director of the Budget.
- (b) That the Director of the Budget is hereby restricted from executing any requisition order or authorizing the expenditure of any money from the County Treasury, unless such appropriation has been made therefor in the budget so adopted by the Quarterly County Court for the given year in which any expenditure is requested; and, provided further, that such expenditure can then be authorized only provided a sufficient balance remains to the credit of the department for which expenditure has been requested. It shall be the duty of the Director of the Budget, however, to approve expenditures requested by any of the departmental heads so long as same conform to the requirements of this section.

**SECTION 9.** That any official of Overton County having the power, right, or authority to expend County funds from the Treasury of the County, or funds coming into the County treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the County to the credit of his or her department of the County government, or in excess of the budget adopted by the Quarterly County Court of Overton County covering that certain period of time as shown by the budget, such County official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Overton County, shall be personally liable, together with his sureties on his official bond, to Overton County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over expenditure with interest from date.

**SECTION 10.** That it shall be unlawful and a misdemeanor in office for any official or employee, including the Director of the Budget of Overton County, Tennessee, to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment, added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made. That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants, purchase orders, or other commitments have been issued or made in violation of the intent of this Act, and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 11.** That it shall be a misdemeanor in office for any official of Overton County, including the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the County, including the Highway Department, to violate any provision

of this Act, to fail or to refuse to perform any of the duties placed upon them, or any of them, by this Act, and any such officer or official failing to perform the duties imposed by this Act, or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00, nor more than \$500.00, by imprisonment, for a period of not exceeding one year, or both, in the discretion of the Court; provided, further, that any County official convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 12.** That the purpose of this Act is to place and maintain the fiscal affairs of Overton County, Tennessee, on a cash basis, and the provisions of this Act shall constitute an irrepealable contract and shall become effective not later than July 8, 1941.

**SECTION 13.** That authority and power is hereby granted to Overton County, Tennessee, to make special tax levies for any purpose, irrespective of any laws or parts thereof heretofore passed in conflict herewith, in order to carry out the provisions of this Act, and to make any special pledges necessary in connection therewith by and through action of the Quarterly County Court of said County.

**SECTION 14.** That the holding of any section or part thereof, or any subsection, clause, sentence, or phrase of this Act to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, subsection, sentence or clause or phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 15.** That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1941.

## 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.

## Chapter II - Animals and Fish

### Foxes

### Private Acts of 1955 Chapter 29

**SECTION 1.** That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 17,500 and not more than 17,600 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

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

Passed: January 27, 1955.

### Livestock Inspector

# Private Acts of 1953 Chapter 252

**SECTION 1.** That in counties of this State with a population of not less than 17,500, nor more than 17,600, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding three animal inspectors. It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not be liable for the default or negligence of any such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

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

Passed: March 25, 1953.

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

1. Public Acts of 1875, Chapter 114, made it unlawful for anyone to catch fish with seines, nets, or traps, in waters covering the land of another. Such action may be stopped by action at law or by equity. No person may place any net, or other obstruction, near the mouth of any stream which would impede the free passage of fish up or down the stream. Several counties, including Overton County, exempted themselves from the terms and conditions of this general law.
2. Public Acts of 1879, Chapter 133, declared it to be unlawful for anyone other than a resident of the counties named, Overton County being found among them, to hunt and kill deer, or any species of game, for profit in those counties, but all citizens of the state could hunt and kill deer and other game for their own use. Fines for violation ran from \$50.00 for the first offense to \$100.00 for subsequent ones, which could be brought before any justice of the peace.
3. Public Acts of 1881, Chapter 71, declared it to be illegal for any person to kill, or capture, any wild deer, or wild turkey, in the counties of Morgan, Fentress, and Overton from December 1, to September 30. Fines were \$2.00 to \$25.00 for offenders and this law was required to be charged to grand juries. This act was repealed by Public Acts of 1883, Chapter 32.
4. Public Acts of 1883, Chapter 43, amended the 1879 Act, Item 2, above, by adding Carroll County to the list of counties coming within its provisions.
5. Public Acts of 1889, Chapter 171, made it unlawful for any person to hunt, kill, or trap deer for profit in the state but any resident might hunt and kill deer for their own consumption between August 1 and January 1 and one was allowed to kill deer also for profit on his own land during that time. It was likewise illegal for any person to hunt, kill, capture, or trap quail and partridge for profit, except on one's own land and then at no time except between November 1 and the following March 1. Fines ranged from \$5.00 to \$25.00 for the first offense, and \$25.00 to \$50.00, and three months in jail for subsequent violations. Many counties, including Overton, exempted themselves from this act.
6. Public Acts of 1889, Chapter 244, rendered it unlawful for any nonresident of the state to hunt, kill, or capture, any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in the counties of Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White, but all State residents were allowed to hunt and kill the same for their own consumption. Fines were scheduled from \$25.00 to \$100.00 for violators.
7. Private Acts of 1897, Chapter 241, made it unlawful for any person to catch, kill, or wound, fish in any stream, or river, in Clay, Fentress, Overton, and Pickett counties by seine, trap, net, gun, gig, poison, dynamite, or, in any way except by rod and reel, from January 1 to June 1 of each year. It

was likewise against the law to build a dam, fish gate, or any obstruction, across any stream to corral, or catch fish. Fines could run from \$5.00 to \$25.00 for each offense. All fines levied and collected went into the school fund. The use of any type of explosive for the above could result in fines from \$10.00 to \$50.00 and jail terms from one to six months in the discretion of the trial judge.

8. Private Acts of 1917, Chapter 46, made it lawful after the passage of this act to take and catch fish in Obeds River by hook and line, trot line, gigging, grab hook, net, or fish basket, and no fee or license, would be charged to anyone for such activity, or to any resident citizen when fishing in the aforesaid manner. The meshes of the net, or basket, must not be less than 1¼ inches and any violation of the above could result in penalties from \$10.00 to \$25.00. Trammel nets were specifically forbidden from January 1 to June 1 of each year.
9. Private Acts of 1917, Chapter 401, declared it to be lawful for resident citizens of Pickett, Fentress, Overton, Clay, Jackson, and Macon counties to hunt and kill squirrels at any season of the year on all unenclosed lands of the county, provided the verbal or written consent of the owner of lands other than one's own if first obtained, without the necessity of procuring a license, or paying a fee.
10. Private Acts of 1917, Chapter 647, provided that any person owning, controlling, or harboring any dog, or dogs, that shall wound, injure, or kill, any sheep, hog, or hogs, shall be liable in damages which shall be enforced as any other judgment is, and no property shall be exempt from levy and sale under any judgment rendered hereunder. If the owner is insolvent, damages will be paid out of the fund provided for herein. Anyone damaged in the manner described above, would report the same to any justice of the peace in a sworn statement, who shall thereupon appoint three disinterested witnesses and freeholders to assess the damages, and their report shall be prima facie evidence of the same. This act was made applicable to Overton County by the use of the 1910 Federal Census figures.
11. Private Acts of 1917, Chapter 648, stated that all dogs running at large in Overton County, which were not registered, as provided herein, are a public nuisance. The circuit court clerk must keep a register and a supply of leather collars and metal tags to give to those dogs being registered whose owners supply the necessary information and pay the \$1.50 fee for the same. Anyone failing to comply may be fined from \$2.00 to \$25.00 for each dog. On December 31 of each year the clerk shall subtract all expenses and fees from the fund and the remainder shall be a dog and stock fund. A dog must be registered every year and a new collar and tab obtained. This act was repealed in Item 14, below.
12. Private Acts of 1919, Chapter 52, stated that within ten days after the passage of this act, the election commission of Overton County would hold an election to ascertain the will of a majority of the voters on the question of a stock law for the county. All qualified voters may vote on ballots which may be marked simply "For" or "Against". No poll tax receipt is necessary to vote. The votes shall be canvassed and the results certified within five days to the delegation representing Overton County in the general assembly.
13. Private Acts of 1919, Chapter 55, amended Private Acts of 1917, Chapter 647, Item 10, above, by striking out Section 3. Section 3 allowed the damaged person to obtain a summary judgment before any justice of the peace for the amount of damages on his sworn statement.
14. Private Acts of 1919, Chapter 56, expressly repealed Private Acts of 1917, Chapter 648, Item 11, above, which regulated the keeping of dogs in Overton County, in its entirety.
15. Private Acts of 1919, Chapter 511, made it unlawful and a misdemeanor for any person owning bulls and boars to permit them to run at large in Overton County after reaching the age of 8 months for bulls and four months for boars, unless the animals were registered, or entitled to be registered. Violators could be fined from \$5.00 to \$20.00. The act also applied to Putnam, Fentress, and Pickett counties.
16. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a general state act regulating the care and keeping and the registration of dogs in Tennessee, by exempting Overton County and nearly half of all the other counties in the state from its rather strict provisions.
17. Private Acts of 1923, Chapter 336, provided that the election commission of Overton County would hold an election by law to determine by a majority vote therein, whether or not a "no fence", or stock law, shall be enacted for the county. Proper ballots shall be prepared and marked "For" or "Against". The results of the election shall be certified and transmitted to the delegation representing Overton County in the general assembly. If the vote is favorable, the delegation shall proceed to enact a suitable stock law.



18. Private Acts of 1925, Chapter 20, rendered it illegal for the owner, or any person having the possession of any horse, or horses, cattle, sheep, goats, asses, swine, or any other kind of livestock in Overton County to permit the same to run at large. To do so is a misdemeanor and the one permitting the same is subject to fines from \$5.00 to \$50.00. Any person damaged by trespassing livestock is given a lien on the stock and any cost incurred for taking up and caring for the animals may be added to the lien for damages. This act will not affect any act relative to the liabilities of railroads in this regard.
19. Private Acts of 1931, Chapter 211, made it unlawful for any person to kill deer in the counties of Cumberland, Fentress, Morgan, Overton, and Pickett, except two-prong bucks, from October 29 to November 21, following, of each year. Any person convicted hereunder may be fined \$10.00 to \$25.00 for each offense.
20. Private Acts of 1931, Chapter 497, stated that it would not be illegal to catch, or kill, fish in any running stream of Overton County with a gig, or grab hook, from June 1 to the following March 1. All conflicting laws were repealed.
21. Private Acts of 1931, Second Extra Session, Chapter 63, declared it lawful to catch, kill, trap gray foxes and rabbits at any time of the year and to sell and dispose of their furs in Overton County.
22. Private Acts of 1931, Second Extra Session, Chapter 83, declared it lawful to gig fish in Overton, Pickett, Fentress, and Clay counties, provided no person shall be permitted to gig fish under the provisions of this act without first obtaining a license to hunt and fish in the county as provided in Public Acts of 1931, Chapter 51.
23. Private Acts of 1935, Chapter 208, made it contrary to the law for any person, firm, or corporation, who is not a resident citizen of Overton County or a land owner of the county, to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, or wild fowl, in open season without first paying a license fee of \$10.00 to the county court clerk for each season, and also without first obtaining the consent of the owner of the land. Conviction precipitated a \$25.00 fine for each offense which went into the elementary school fund.
24. Private Acts of 1945, Chapter 439, stated that James R. Ledbetter, of Livingston, in Overton County, being over 21 years of age, and a Private First Class in World War I, a man of good moral character and a practitioner of veterinary surgery and medicine for more than 20 years, is hereby allowed to continue the said practice in Overton County. A certified copy of this act shall be all the license needed by Ledbetter to practice as was above stated and to charge fees for services performed and for which he may file suits in any court when necessary.
25. Private Acts of 1957, Chapter 132, made it unlawful for anyone to catch, or possess, for the purpose of sale any minnows in Overton County if they were caught in the streams of Overton County. The governor did not sign this bill, it becoming a law without his signature, but the quarterly court of Overton County properly ratified the same. This act was repealed by the one following.
26. Private Acts of 1961, Chapter 277, repealed Private Acts of 1957, Chapter 132, in its entirety.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Debts**

1. Private Acts of 1925, Chapter 702, was the enabling legislation for the quarterly court of Overton County to issue up to \$42,000 in bonds at an interest rate not to exceed 6%, and to mature over a schedule which could not exceed twenty years, to refund and pay off a like amount of bond debts maturing in December, 1925. All the essential details of valid bond law were present, a special tax levy was required for the sinking fund in order to amortize these bonds and they must recite on their face that they are refunding bonds. The original bonds were issued under the authority of Public Acts of 1887, Chapter 3, which permitted counties to buy the stock of railroads incorporated in Tennessee and to issue bonds to pay for it.
2. Private Acts of 1935, Chapter 172, ratified, validated, and confirmed all the proceedings previously held by the quarterly court of Overton County in connection with the issuance of

\$100,000 in refunding bonds at 5% interest, due February 1, 1949, but optioned for a longer period. The bond issue was confirmed and legalized in all respects and they were declared to be the incontestable obligations of Overton County. The debts for which the bonds were issued were also declared to be the obligations of the county government. A tax levy for the sinking fund was a mandatory obligation of the law.

3. Private Acts of 1935, Chapter 298, also validated, confirmed, and legalized all the prior proceedings and actions of the Overton County Quarterly Court taken in connection with the issuance of \$438,000 in refunding bonds in Overton County, at an interest rate of 5%, due and callable between 1939 and February 1, 1949. The bonds are declared to be general obligation bonds of the county to whose payment the full faith and credit of the county are pledged. These bonds are to refund the debts of some road bonds issued several years before. A special tax levy must be made until these bonds are paid with interest.
4. Private Acts of 1937, Chapter 73, validated all the proceedings of the quarterly court with reference to a bond issue of \$155,000, in funding bonds, designated as Series 1936, at 4½% interest and callable at the discretion of the court. The debts to be paid by the bonds are also validated and confirmed. The mandatory tax levy was included in the law.
5. Private Acts of 1941, Chapter 86, stated that the resolution of the Overton County Quarterly Court, passed January 6, 1941, which authorized the issuance of \$145,000 in bonds, at 4% annual interest, callable serially through 1959, is hereby in all things validated, confirmed, ratified, and legalized. The quarterly court may proceed to deliver the bonds and the county officials who are required to participate in these acts are hereby fully authorized to do so

### **Roads**

1. Acts of 1909, Chapter 300, allowed the quarterly court of Overton County, subject to approval by the people in a referendum, to issue bonds up to \$100,000, due and payable within 30 years after the date of issuance, and bearing an interest rate of 4½%, or less, to build roads in the county. The sale of the bonds and the implementation of the entire project would be supervised by a five member county road commission, who would have a chairman, and a secretary, who would both be paid \$25.00 a month as the other members of the commission drew \$5.00 per month. The commission would solicit bids and award contracts in the best interests of the county and were not to have any personal interest at all in any of the program's phases. All the essential details of a valid bond issue were mentioned and a mandatory tax levy provided.
2. Private Acts of 1911, Chapter 666, permitted the Overton County Court to issue up to \$150,000 in 5%, 30 year bonds, provided approval was given by the people in a referendum, to build roads and to construct all essential bridges with proper approaches. The election would be held at county expense, and the county judge would be the exclusive arbiter of its passage. All the necessary details and the tax levy for the sinking fund were included, which could not exceed fifty cents per \$100.00 of property valuation. This act named Thomas R. Poteet, Houston Bilbrey, W. C. Fleming, Jr., W. C. Murphy, Bob Chilton, J. A. Butler, J. C. Bilbrey, E. M. Smith, J. A. Hargrove, J. N. Ray, W. H. Qualls, Irving Allred, W. Y. Keesling, and Thomas Smith to the road commission. The secretary of the commission would be in charge of the program from start to completion. This act was repealed below.
3. Private Acts of 1913, Chapter 67, specifically repeals Private Acts of 1911, Chapter 666, Item 2, above, in its entirety.
4. Private Acts of 1915, Chapter 544, was the legal authority to hold a referendum election, after giving the lawful notice, in Overton County, to decide on the issuance of \$160,000 in bonds to connect the county road system with the Dixie Highway or with other public highways in other counties so as to give the county the best possible coordinated public road patterns. These bonds, if approved, were limited to 5% interest, and the maturity period could not exceed thirty years. W. C. Crawford, W. C. Fleming, John B. McDonald, Jr., Irving Allred, and J. C. Bilbrey were appointed by the act to be the road commission who would supervise and coordinate the entire program. The commission had the authority to hire an engineer, if needed. Six county roads are listed in the act which were required to be the nucleus of the matter.
5. Private Acts of 1917, Chapter 27, amended Private Acts of 1915, Chapter 544, Item 4, above, by increasing the amount of bonds to be issued from \$160,000 to \$200,000 and by replacing commissioner W. C. Crawford with W. F. Judd; J. B. McDonald, by W. Y. Keesling; and W. C. Fleming by George W. Lee. Section 5 was deleted and a new list of roads was inserted which would have the priority of either construction or improvement. The act provided for \$10,000 to be placed in an incidental fund and the trustee was directed to keep ten separate accounts, one for the incidentals, and one for each of the nine roads listed. All state and federal funds received shall

be prorated and used according to the terms of the grant.

6. Private Acts of 1917, Chapter 478, amended Private Acts of 1917, Chapter 27, immediately above, in Section 3, by changing the sections of two roads which were scheduled to be improved, the Jack Ray Grade, or Pike, and the Livingston-Byrdstown Road.
7. Private Acts of 1917, Chapter 792, also amended Private Acts of 1917, Chapter 27, by adding a provision at the end of Section 3, of the amending act, that the Good Roads Commissioners, in their discretion, could spend the \$10,000 appropriated by that section as an incidental fund on an alternate road between Livingston and Monroe, running through the seventh civil district towards Willow Grove and on the Clay County line.
8. Private Acts of 1919, Chapter 463, allowed the quarterly court of Overton County the right to issue up to \$150,000 in bonds, at an interest rate of not more than 6%, and to mature as directed by the court, but no more than ten years, which funds would be used to locate, grade, construct, and macadamize a road running east and west through Overton County so as to connect with the main public highway in the west, the road leading from Livingston to Cookeville, to the east side, connecting with the road from Byrdstown. A special tax levy was required to amortize the bonds. The state was to contribute half the cost and the state highway department would be in charge. The county trustee would handle all the money and be held accountable.
9. Private Acts of 1921, Chapter 12, amended Private Acts of 1919, Chapter 463, above, by changing some of the details in the maturity schedules of the bonds authorized to be issued in that act so as to make them callable upon agreement between the county judge, or chairman, and the county court clerk, at some point in time between 11 and 20 years from the issuing date. All the bonds not yet sold shall comply with these amendments. No bonds sold under the legal sanction of these two acts shall be contestable for want of form or from lack of statutory authority, all being hereby ratified, confirmed, and validated.
10. Private Acts of 1921, Chapter 507, expressly and entirely repealed Private Acts of 1921, Chapter 12, above. Private Acts of 1919, Chapter 463, is amended to provide that interest payments on the bonds issued by the authority of that act shall be paid semi-annually instead of annually. The calling in for payment of the bonds shall be at the option of the chairman and the county court clerk on any interest date after ten years from the date of said notes and bonds which mature 20 years after date. The act further confirms the sale of \$50,000 in these bonds to Caldwell and Company in Nashville, dated January 1, 1921.
11. Private Acts of 1921, Chapter 856, amended Private Acts of 1919, Chapter 463, by raising the total amount of bonds which were allowable under that act from \$150,000 to \$300,000 at the appropriate places in the act.
12. Private Acts of 1923, Chapter 5, recited that Overton County, under Private Acts of 1919, Chapter 463, had been allowed to issue up to \$150,000 in 6% bonds, or less, to build macadamized, or hard surfaced roads, that Private Acts of 1921, Chapter 507, had struck out the optional dates for maturity of the bonds and set up definite times for the same on which principal and interest would be paid, that Private Acts of 1921, Chapter 856, had raised the limitation on the amount of the bonds from \$150,000 to \$300,000, that the quarterly county court of Overton County, acting under these authorities had ordered the issuance of \$100,000 in bonds on January 1, 1922, which were sold to Caldwell and Company in Nashville, Tennessee, at par value, that the proceeds of the bonds sold were made available to the state highway department who have started construction of the highway from Livingston to the Putnam County line in the direction of Cookeville, and that there now exists some doubt of the validity of the said bonds which has caused some confusion, this act ratifies, confirms, validates, and legalizes all actions in connection with the above.
13. Private Acts of 1923, Chapter 286, was the enabling law for the quarterly court of Overton County to issue up to \$300,000 in bonds to aid in the construction of hard-surfaced roads, graveled or macadamized, to extend north and south from the county line to the county line passing through Livingston so that the location of the road shall first be determined by the county court and their decision then approved by referendum of the people. The court may select the route and then appoint a five member road commission to sell bonds and to supervise the entire programs. Detailed provisions were established for the elections to be held, and details incorporating construction guidelines were adopted. Bond interest could not exceed 6%, and they would fall due at one-third in ten years, one-third in twenty years, and the rest in thirty years. The road commission must cooperate with other governments to effectuate the project while the trustee would keep all the pertinent records.
14. Private Acts of 1923, Chapter 699, amended Private Acts of 1919, Chapter 463, which is Item 8, above, by adding a provision to Section 5 to the effect that the county court of Overton County

could proceed to sell the bonds authorized by the act even though the state highway department had failed to cooperate in the construction of the road. The act also amended Section 6 with the same language.

15. Private Acts of 1927, Chapter 679, was the legal authority for the Overton County Quarterly Court to issue up to \$400,000 in 5%, 40 year, bonds, redeemable as the court may direct, all of which would be used for highway purposes. The action must be approved by referendum before the issue, or the same becomes null and void. The court may issue bonds in twice the amount of any aid or assistance offered by the state highway department, and may pay over sums set by the state highway department to be used on part of the state general road system, or on roads which were to become a part of the system. The bonds were to be general obligation bonds for which the full faith and credit of the county were pledged.

### **Schools**

1. Private Acts of 1947, Chapter 237, ratified, confirmed, validated, and legalized all the prior proceedings of the quarterly court and other officers of Overton County with respect to the authorization and issuance of \$28,000 in bonds for school purposes, and the tax levy heretofore made to pay the principal and interest on the bonds is likewise ratified and approved. The bonds, delivered or not, are declared to be the general obligations of Overton County.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1806 (2nd Sess.) Chapter 27

**COMPILER'S NOTE:** The first seven sections of this act did not involve Overton County and are not included.

**SEC. 8.** That a new county be, and is hereby established by the name of Overton, on the east of Jackson county, bounded as follows: Beginning at the north east corner thereof, where Cumberland river enters the state; thence south twenty-one miles; thence south, twenty-three degrees east, parallel with the upper boundary of Jackson county, about four miles to the wilderness road leading from Walton's Ferry; thence along the said road to the western boundary of Roane county; thence northwardly along the same, to the north boundary of this state; thence along the same west, to the beginning, including the territory within the bounds specified in the petition of the inhabitants resident therein, exhibited to the General Assembly at this session, which bounds so specified in said petition, begin as above, and run south twenty-one miles; thence south, twenty-three degrees east four miles; thence east twenty-five miles; thence north twenty-three degrees west four miles; thence due north twenty-one miles, to the north boundary line of this state; then west with the same to the beginning.

**SEC. 9.** That the first court to be held for the county of Overton, shall be held at the house of Benjamin Totton, and all subsequent courts until altered by law, shall have and exercise similar powers with any other county court in this state.

**SEC. 10.** That all elections for members of the General Assembly, the governor, and members of congress, shall be held at the court house, or place of holding court in said county, on the days on which elections for such purposes are authorised to be held; and the sheriff of the county of Overton, shall meet the sheriff of Jackson county, at the court house of said county of Jackson, on the succeeding Monday, and with him examine the respective polls of election for both counties, and declare the person who may have the greatest number of votes duly elected to the General Assembly, and give certificates accordingly; and it shall be the duty of said sheriff, to transmit a statement of said polls of election for governor and members of congress, to the speaker of the senate, in the same manner as directed by law.

**SEC. 11.** That it shall be the duty of the sheriff of the county of Overton, to hold an election at the place of holding court, on the first Thursday and succeeding day in February next, for the purpose of electing one colonel and two majors for said county, under the rules, regulations and restrictions, as are prescribed by law for the election of such officers.

**SEC. 12.** That the election for company officers for said county, shall be held at their respective muster grounds, on the third Thursday in February next, in the same manner and form as is appointed by law for electing company militia officers.

**SEC. 13.** That it shall be lawful for the sheriff of Jackson county, to collect the taxes for the year eighteen hundred and six, and all arrearages of taxes for any preceding year, and in the same manner, and with as full authority, as if this law had never been passed.

**SEC. 14.** That the county of Overton shall be in all cases whatsoever, considered as part of the district of Winchester.

Passed: September 11, 1806.

## Change of Boundary Lines

### Private Acts of 1823 Chapter 302

**SECTION 1.** That Jonathan Douglass, of the county of Overton, be, and he is hereby, appointed surveyor to reduce Overton County to its constitutional limits, beginning at the northeast corner of Jackson county, on the east bank of Cumberland river, in the Kentucky line; running thence east with the Kentucky line, so far that by running south parallel with the eastern boundary of the said county of Jackson, until it strikes the Morgan county line; thence with the same to the Cumberland road, and with that westwardly to the line of the said county of Jackson, and with the same to the beginning, will leave Overton county its constitutional limits.

**SEC. 2.** That a new and distinct county be, and the same is hereby, established east of the county of Overton, to be known and distinguished by the name of Fentress county; beginning at the north-east corner of the said county of Overton, (when reduced,) in the Kentucky line; running thence east, with the Kentucky line, to the south forks of Cumberland river; thence up the same as it meanders, to the Clear fork; thence up the same to the fork where Piles' turnpike was formerly kept, where Richard Butler now lives, so as to leave said Butler in Morgan county; thence up the right-hand fork of the said Clear fork to its head or source; from thence a direct line to the south-east corner of Overton, (when reduced;) thence northwardly with the line of Overton County, to the beginning.

**COMPILER'S NOTE:** The remainder of this act involved Fentress County only and is not included here.

Passed: November 28, 1823.

### Private Acts of 1825 Chapter 327

**SECTION 1.** That Isaac Taylor, of White county, be, and he is, hereby appointed to resurvey the lines of Overton county so as to ascertain its constitutional limits, beginning at Johnston's stand, the south east corner of said county, running westward with the line dividing Overton and White counties, to where the Jackson county line intersects the same, thence north, with the line dividing Overton and Jackson, to the Kentucky line; thence east, with the State line, so far that by running south, parallel with the eastern boundary line of Jackson county, until it strikes the Morgan county line; thence with the same to Johnston's stand, leaving Overton county its constitutional limits, which lines, so run and marked, shall be known as the boundary lines of Overton county, and in case the survey is not made as aforesaid, in the time specified by this act, the line already run between Overton and Fentress counties, shall remain and be established as the boundary of said counties.

**SEC. 2.** That the survey of the lines aforesaid shall be made against the fifteenth day of February next, and the chain carriers necessary in making the survey shall be chosen from the counties of White or Jackson.

**SEC. 3.** That the expense of the survey aforesaid, shall not be made a county charge, but may be paid by subscription or otherwise.

**SEC. 4.** That the surveyor by this act appointed shall, previous to his surveying the lines aforesaid, before some justice of the peace for Overton county, make oath that he will cause to be measured and impartially survey the lines specified by this act, without favor or affection.

Passed: December 6, 1925.

### Acts of 1841 Chapter 169

**SEC. 1.** That a new county is hereby established, to be known by the name of Putnam county, in honor of the brave Revolutionary General of that name, to be taken from the counties of White, Fentress, Overton and Jackson, and bounded as follows: Beginning where the Cumberland River crosses the line between the counties of Smith and Jackson; running thence up the river, with its meanders to the mouth of Indian Creek; thence South-east upon the extreme height of the dividing ridge to a point, from which an East line

will cross Martin's Creek, near the mouth of Shaw's Branch; thence crossing Martin's Creek at a point above the mouth of said branch, continuing East so as to leave Gainsborough twelve miles to the North, to the line of Overton county; thence a direct line to William Marchbanks; thence a direct line to the Walton road, where the same strikes the Cumberland Mountain; thence with the said road to George M'Cormacks, in Fentress county; thence a direct line to the line of Morgan county; thence Southward with the same to its corner, at Johnson's stand; thence South-westwardly to the declivity of Cumberland Mountain; thence Westwardly with the extreme height of the mountain, meandering the Bluff, so that, running West, will strike the ridge dividing the waters of the Calf Killer Fork, of the Caney Fork from the Board Valley; thence upon the extreme height of said ridge, West, leaving Sparta twelve miles to the South, crossing the Falling Water, and running near to where Lawler now lives, including Ditty's Stand, to the corner of De Kalb county; thence with the line of said county, West to Smith county line; thence North with the same to the beginning.

**COMPILER'S NOTE:** The remainder of this act did not apply to Overton County and therefore, is not repeated herein.

Passed: Feb. 2, 1842.

## Public Acts of 1870 Chapter 29

**SECTION 1.** That a new county be and the same is hereby established, to be composed of portions taken from the northern portion of Jackson and Overton Counties, to be known and designated by the name of County of Clay, and shall be bounded as hereinafter provided.

**SEC. 2.** That the general boundaries of said county shall be as follows, towit: Beginning at the common corner of Jackson and Overton Counties, upon the State line between Kentucky and Tennessee, running thence with said line east to a point in said line on the northern boundary of Overton County, to be fixed by the Commissioners to be hereafter designated in this act; thence south or southwest to a point in Overton County, to be also fixed and established by the said Commissioners; thence in a westerly direction through Overton and Jackson counties to a point to be fixed by the Commissioners; thence north with said line to the State line; thence east with said line to the beginning; Provided, That no line of said new county shall approach the Court-houses of Jackson and Overton Counties nearer than ten miles in a direct line from the same.

**COMPILER'S NOTE:** The remainder of this act did not apply to Overton County and therefore, is not included herein.

Passed: June 16, 1870.

## Public Acts of 1871 Chapter 6

**SECTION 1.** That the county line between Overton and Clay counties be changed as follows: Beginning on said county line south of G. W. Morgan's, where his line crosses said line, running with said Morgan's line and R. J. Upton's, to the eleven and three-fourth miles post from Livingston, on Mill Creek; thence an easterly course a straight line, passing the south end of William Garrett's land, to the forks of Carter's Creek, above Jesse M. Martin's; thence a slight variation north of east, so as to include in Clay county all of Thomas Martin's and W. W. Chilton's lands, passing through the land dividing the lands of Mrs. Ruth Martin and O.T.L. Martin, to a chestnut oak, southeast corner of Thomas W. Barry's land, and including all his land, intersecting the county line again in the lane dividing the lands of W. J. Dennis and Ezekiel Long: Provided, said line so changed shall not approach nearer than ten miles of Livingston, the county seat of Overton county, on a direct line.

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

Passed: October 20, 1871.

## Public Acts of 1873 Chapter 76

**COMPILER'S NOTE:** Sections 1, 3, and 4 of this act have been omitted since it does not involve Overton County.

**SEC. 2.** That the line between the Counties of Putnam and Overton be changed; commencing on the north boundary line of Putnam, known as Thom Gap, running thence west with the old Thom Gap road to Spring Creek, near the old Holford farm, and just below the bridge on said Creek; thence down Spring Creek to where the Overton and Jackson County line crosses said Creek; thence southwardly with the line of Jackson and Overton Counties to the northern boundary line of Putnam; and that the boundary lying south of the above named line be attached to Putnam County; Provided, This change shall not reduce Overton

County below the limits of the Constitution.

Passed: March 22, 1873.

## Public Acts of 1879 Chapter 34

**SECTION 1.** That a new county is hereby established to be composed of portions taken from Overton and Fentress Counties, to be known and designated by the name of Pickett.

**SEC. 2.** That the County of Pickett shall be bounded as follows: Beginning on the southeast corner of Clay County, at a point eleven miles northeast of Livingston, running thence south sixty degrees east, to the Livingston and Albany Road, to a point eleven miles from Livingston, running by Jackson Winningham; thence south fifty degrees east to a black oak on the Jamestown and Livingston Road, eleven miles southeast of Livingston; thence south twenty degrees east to the west fork of Obey's River; thence to a rock marked No. 5, near Ledford's; thence north forty degrees east to a rock marked E. G. Smith and John Harman; thence north twelve degrees east to the Jamestown and Livingston Road; thence with said road to a stake eleven miles from Jamestown; thence northwardly to the east fork of Obey's River at a point eleven miles from Jamestown, thence northwardly to the Dry Creek and Jamestown Road to a stake eleven miles from Jamestown; thence in a northwardly direction to the Jamestown and Albany Road to a stake near the Gatewood stand; thence north sixty degrees east to the Kempton Gap of the mountain; thence east up Ratter's fork of Wolf River to a cliff marked X; thence east to the Scott county line; thence north to the Kentucky line; thence west with said line to the northeast corner of Clay county; thence with the line of said county to the beginning, containing about 300 square miles.

**COMPILER'S NOTE:** Section 2 was amended by Public Acts of 1881 Chapter 37 which follows this act.

**SEC. 3.** That for the purpose of organizing the County of Pickett, W. W. Goodpasture, Jackson Winningham, L. T. Smith, J. N. Huddleston, Sr., M. F. Hurt, W. A. Gilreath and E. D. Wright, shall be, and are hereby appointed, Commissioners on the part of the several fractions of the counties of Overton and Fentress, who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, faithfully and impartially, to discharge all the duties incumbent upon them in this Act; and in all cases of vacancy, that may occur among said Commissioners, previous to the organization of the County Court, of said County of Pickett, the same shall be filled [sic] by remaining Commissioners, and all vacancies occurring after the organization of such court shall be filled by said court of the county of Pickett. Said Commissioners shall enter into such bond and security as may be required by the said County Court of Pickett, and payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act.

A majority of said Commissioners shall constitute a Board, competent to do all things herein enjoined them. They shall keep a record of all their proceedings as Commissioners, which shall be returned to the County Court of Pickett County at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such returns after the organization of said court as shall be directed thereby.

**SEC. 4.** That it shall be the duty of said Commissioners, first giving thirty days notice in two or more public places in each fraction, of the time and place to open and hold an election, in two or more places in each of the fractions proposed to be stricken off from the counties of Overton and Fentress, in order to ascertain whether two-thirds of the voters residing in each of the said fractions, are in favor of, or opposed to the formation of said new County of Pickett, and all persons qualified to vote for members of the General Assembly residing in said fractions, shall be entitled to vote in said election, and each voter who is in favor of the formation of the new county, shall have on his ticket "New County" and each voter opposed to the new County of Pickett shall have on his ticket "Old County" and if, after counting the votes cast in said election it shall appear that there are two-thirds of the legal votes cast in each of said fractions in favor of the new county, then in that case the County of Pickett shall be, and is hereby declared the county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

**SEC. 5.** That in order to carry into effect and make certain and accurate the provisions in the 4th Section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Overton and Fentress.

**COMPILER'S NOTE:** The following sections were omitted, because they only concerned Pickett County.

Passed: February 25, 1879.

## Public Acts of 1881 Chapter 37

**SECTION 1.** That section 2 of an act passed Feb. 25, 1879, be amended as follows: That the county of Pickett shall be bounded as follows:

Beginning at a stone in the Tennessee and Kentucky State line, marked forty-six, the same being the north-east corner of Clay county; thence south with Clay county line seven miles and 220 poles to an ironwood in James Conner's field, at a point eleven miles from Livingston; thence the arc of a circle describing the distance of eleven miles from Livingston, as follows: South 84° east 72 poles, south 82½° east 80 poles, south 81° east 80 poles, south 79½° east 80 poles, south 78° east 80 poles, south 77° east 80 poles, south 75½° east 80 poles, south 74½° east 80 poles, south 73° east 80 poles, south 71½° east 80 poles, south 70° east 80 poles, south 68½° east 80 poles, south 67° east 80 poles, south 65½° east 80 poles, south 64° east 80 poles, south 62½° east 80 poles, south 61° east 80 poles, south 59½° east 80 poles, south 58° east 80 poles, south 56½° east 80 poles, south 55° east 80 poles, south 54° east 80 poles, south 52½° east 80 poles, south 51° east 80 poles, south 49½° east 80 poles, south 48° east 80 poles, south 46½° east 80 poles, south 45° east 80 poles, south 43½° east 80 poles, south 42° east 80 poles, south 40½° east 80 poles, south 39° east 80 poles, south 37½° east 80 poles, south 35° east 80 poles, south 33½° east 80 poles, south 22° east 80 poles, south 20½° east 80 poles, south 29° east 80 poles, south 27½° east 80 poles, south 26° east 80 poles, south 24½° east 80 poles, south 23° east 80 poles, south 21½° east 80 poles, south 20° east 80 poles, south 18½° east 80 poles, south 17° east 80 poles, south 15½° east 80 poles, south 14° east 80 poles, south 12½° east 80 poles, south 11° east 80 poles, south 10° east 80 poles, south 8½° east 80 poles, south 7° east 80 poles, south 5½° east 80 poles, south 4° east 80 poles, south 2½° east 80 poles, south 1° east 80 poles, south 80 poles, south 1½° west 80 poles, south 3° west 80 poles, south 4½° west 80 poles, [sic] south 6° west 80 poles, south 7½° west 80 poles, south 9° west 80 poles to a point near the Ledford place, eleven miles from Livingston; thence east 1,200 poles to a point eleven miles from Jamestown; thence an arc of a circle describing a distance of eleven miles from Jamestown, as follows: North 29½° west 80 poles, south 28° west 80 poles, north 26½° west 80 poles, north 25½° west 80 poles, north 24° west 80 poles, north 22½° west 80 poles, north 21° west 80 poles, north 19½° west 80 poles, north 18° west 80 poles, north 16½° west 80 poles, north 15° west 80 poles, north 13½° west 80 poles, north 12° west 80 poles; north 10½° west 80 poles, north 9° west 80 poles, north 8° west 80 poles, north 6½° west 80 poles, north 5° west 80 poles, north 4° west 80 poles, north 2½° west 80 poles, north 1° west 80 poles, [sic] north 80 poles, north 1½° east 80 poles, north 3° east 80 poles, north 4½° east 80 poles, north 5½° east 80 poles, north 7° east 80 poles, north 8½° east 80 poles, north 10° east 80 poles, north 12½° east 80 poles, north 14° east 80 poles, north 15½° east 80 poles, north 17° east 80 poles, north 18½° east 80 poles, north 20° east 80 poles, north 21½° east 80 poles, north 23° east 80 poles, north 24° east 80 poles, north 25½° east 80 poles, north 27° east 80 poles, north 28½° east 80 poles; north 30° east 80 poles, north 31° east 80 poles, north 33½° east 80 poles, north 35° east 80 poles, north 36½° east 80 poles, north 38° east 80 poles, north 39½° east 80 poles, north 42° east 80 poles, north 43½° east 80 poles, north 45° east 80 poles, north 46½° east 80 poles, north 49½° east 80 poles, north 51° east 80 poles, north 53½° east 80 poles, north 55° east 80 poles, north 57½° east 80 poles, north 59° east 80 poles, north 60½° east 80 poles, north 62° east 80 poles, north 64° east 80 poles, north 65° east 80 poles, north 67½° east 80 poles, north 69° east 80 poles, north 70½° east 80 poles, north 72° east 80 poles, north 73½° east 80 poles, north 75° east 80 poles, north 76° east 80 poles, north 77½° east 80 poles, north 79° east 80 poles, north 80½° east 80 poles, north 82° east 80 poles, to a point eleven miles from Jamestown, 58 poles north of Mrs. Crouch's house on Rotten's Fork, of Wolf river; thence the arc of a circle describing a distance of eleven miles from Jamestown, twelve and a half miles, to a point north 50° east of Jamestown, at a distance of eleven miles from the same; thence east nine and a quarter miles to the Scott county line; thence with said line north 45° west ten and a half miles to the Tennessee and Kentucky State line; thence west with the State line thirty-two and half miles to the beginning, being the north-east corner of Clay county, containing two hundred and eightyfour square miles.

**COMPILER'S NOTE:** The remainder of this act did not refer to Overton County and therefore, is not included herein.

Passed: March 28, 1881.

## Acts of 1905 Chapter 538

**SECTION 1.** That the county line between Overton and Putnam Counties be changed as follows:

Beginning with a post oak in A. P. Warren's west boundary line; thence east with said line seventy poles to a white oak in Ben Mason's west boundary line; thence north eighty poles with said line to a white oak in B. L. Loftin's south boundary line; thence west with said line and P. M. Greenwood's south boundary line seventy poles to a stone in G. W. Roberts' east boundary line; thence south with said line one hundred and forty poles to a stone, it being Roberts' southeast corner; thence west eighty poles with said Robert's line to Mill Creek; thence south eighty poles with said creek to



a stake; thence southeast seventy poles with D. H. Maddux's north boundary line to a stake; thence east seventy poles with said Maddux's north boundary line to a stone in A.P. Warren's west boundary line; thence north seventy poles with the said Warren's line to the beginning, detaching the above lands from Overton County and attaching to Putnam County.

**SEC. 2.** That this Act take effect from and after its passage, the public welfare requiring it. Passed: April 14, 1905.

## Private Acts of 1961 Chapter 364

**SECTION 1.** That the line between the Counties of Overton and Putnam be, and the same is hereby changed so that the county line between the Counties of Overton and Putnam will be located in the following manner:

Starting at a point where the county line between Putnam and Overton Counties now intersects Paron Road; thence in an eastwardly direction along Paron Road to a point where the eastern boundary line of the lands of Carson Moore now intersects with Paron Road; thence in a southwardly direction a straight line to a point intersecting with the present county line between Putnam and Overton Counties so that the tract of land consisting of 2½ acres, being a triangular tract of land, belonging to Carson Moore, which formerly lay in Overton County will now be situated in the 15th District of Putnam County. It is the intent and meaning of this Act that the boundary line between Overton and Putnam Counties be so changed that the said lands of Carson Moore, formerly laying within Overton County shall become a part of the County of Putnam, and included therein as a part of the 15th District of said County.

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

Passed: March 17, 1961.

## Private Acts of 1963 Chapter 211

**SECTION 1.** That the boundary line between the counties of Overton and Pickett be and is hereby changed as follows:

1. "That portion of F. F. Sells' farm approximately three acres, in the Eleventh Civil District of Overton County, Tennessee, as evidenced by Deed Book No. 2, Page 287, Register's Office, Overton County, Tennessee, be removed from Overton County to Pickett County. For a detailed description of the three acres transferred from Overton to Pickett County see Deed Book referred to above."
2. "That portion of Hallie Padgett Brown's farm now located in the Eleventh Civil District of Overton County, Tennessee, as evidenced by Deed Book No. 82, Page 101, Register's Office, Overton County, Tennessee, be removed from Overton County to Pickett County. For a detailed description of this parcel of land, about \_\_\_\_\_ acres, see the Deed Book referred to above."

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

Passed: March 19, 1963.

## Private Acts of 1965 Chapter 113

**SECTION 1.** That the county line between Overton County, Tennessee, and Putnam County, Tennessee, is hereby changed by detaching the lands presently owned by Willard B. Presley and wife, Gilberta Presley from the First Civil District of Overton County, Tennessee, and attaching and making the same a part of the Fifteenth Civil District of Putnam County, Tennessee, which said lands presently lie within the First Civil District of Overton County, Tennessee, and are described as follows:

"Beginning on a stone (formerly a black oak tree) Paul Chilton (formerly Anne Breeding) southwest corner running thence sixteen (16) poles; to a small black oak; thence (15) poles to a sassafras, M. D. McCormick northwest corner (formerly Noah Stockton); thence south ten (10) degrees west with said McCormick's line twenty-one and one-half (21½) poles to four small sycamores on the bank of a branch; thence eastward nine and one-half (9½) poles with branch to a stone and sourwood pointer; thence south twenty-eight (28) degrees west forty-seven (47) poles to a small sycamore; thence south thirty-eight (38) degrees east eighteen (18) poles to a black walnut; thence south forty-five (45) degrees west ninety-four (94) poles to a stone in Roach's line (formerly M. S. Harp line); thence southeast forty-one poles and ten (10) feet to Dow Burgess line (formerly Q. S. McClain line) thence south with said Burgess line fiftythree and one-eighth poles to the public road; thence west two-thirds of a pole to a stone; thence northwardly fifty-two and one-half (52½) poles to a stone; thence northwest two-thirds of a pole south of M. A. Stockton's line forty-one (41) poles

to a stake; thence back ten (10) feet to the A. L. Holloway corner; thence north sixty-two and one-half degrees west twenty-three and one-half poles to a stone to Allen's corner (formerly M. S. Harp) with a dogwood pointer; thence north with Roach east boundary line (formerly Elias Byers) passing his corner at sixty poles in the same direction in all one hundred sixty-four poles to a stake in the mouth of the branch on the west side of Bear Creek; thence with the current of creek to near the south end of a bluff; thence south 10½ poles to a rock; thence east to the beginning containing seventy-one (71) acres more or less."

**SECTION 2.** That from and after its passage of this Act the above described lands of Willard B. Presley and wife, Gilberta Presley shall cease to be a part of Overton County, Tennessee, and shall be a part of and included within the Fifteenth Civil District of Putnam County, Tennessee, and the county line between said counties is hereby changed and altered accordingly.

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

Passed: March 10, 1965.

## Boundaries - Historical Notes

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

1. Acts of 1806, Second Session, Chapter 50, permitted James Chisum, of Overton County, to run the true boundary lines between Overton County and Jackson County. He was allowed to hire two chain carriers who would be paid \$1.00 per day, the surveyor being paid \$2.00 per day.
2. Acts of 1809, Second Session, Chapter 40, was the legal authority for William Phillips, of Overton County, to employ some surveyor to run a line beginning at a point in the present dividing line between Overton County and White County, east of Phillip's house 10 poles, west 40 poles to a point, south to the present line dividing two counties, so as to include the present dwelling house of Phillips in White County, a plat of the boundary change to be made and filed in both counties of Phillip's expense.
3. Acts of 1817, Chapter 8, stated that the house and premises occupied by the heirs of William Quarles, deceased, shall be annexed to Overton County and the Cumberland Road at that place shall be considered as the dividing line between Overton County and White County. Nothing in this act will prevent the sheriff of White County from collecting back taxes.
4. Acts of 1817, Chapter 81, Section 2, declared that doubt has existed for some time on the bounds of Overton County, therefore a line shall be run between Overton County and Morgan County beginning at the corner of Morgan County where Robert Johnson now lives on the Cumberland River, thence north, 12½ degrees east to the Kentucky State line, which shall be the dividing line between the said counties. James Chism is appointed surveyor to run and mark the line and Garrett Hal is named to mark the line, a plat of which must be made and recorded. The surveyor would be paid \$3.00 per day, the commissioner \$2.00, and the markers, \$1.00.
5. Private Acts of 1819, Chapter 63, restored Jackson County's boundary to its constitutional limits and called for the prevention of disputes between the citizens of Morgan and Overton counties.
6. Private Acts of 1826, Chapter 168, was the legislative authority for Aron Higginbottom, of Warren County, and Jonathan C. Davis, of White County, to resurvey the lines of Overton County so as to ascertain accurately the number of square miles therein. If there is not enough land to meet constitutional requirements, the surveyor shall continue east with the said line until there is enough land, and make a plat of the area. Sam Brown and Jacob Robertson, of White County and Hampton Hughes, of Jackson County, are named commissioners to examine the central point of Overton County for a suitable place for a town, and the sheriff of Overton County shall hold an election to gather the will of the people on moving the county seat from Monroe.
7. Private Acts of 1827, Chapter 157, nominated William Galbraith, of Jackson County, to resurvey the bounds of Overton County to determine the amount of square miles contained in the county. If the number of square miles is less than the constitution requires, the surveyor shall continue east with the said line of the state, and south with a line parallel with the east boundary of Jackson County until the boundary of Morgan County is intersected. A map and a plat of the county lines must be made and filed in the two counties. Anthony Diboral, of White County, and Amos Kirkpatrick and William Scanlon, both of Jackson County, are appointed commissioners to pin point the central portion of the county for a county seat in Overton County. A number of guidelines are expressed which must be followed until the results mentioned are achieved.
8. Private Acts of 1829-30, Chapter 154, appointed Burchett Douglas, of Wilson County, or, in case of his failure to attend, Jonathan C. Davis, of White County, to resurvey Overton County to find

out with certainty the actual number of square miles in the county. The remainder of the act is practically identical with those above on the same subject.

9. Private Acts of 1831, Chapter 62, named Burchett Douglas, of Wilson County, and, in the event he did not do so, then Jonathan C. Davis, of White County, as surveyors, to ascertain the center of Overton County. Three plats of the work must be filed with the county court of Overton County. The surveyors would be paid \$3.00 per day, plus \$5.00 for going and \$5.00 for coming, and the chain carriers would be paid \$1.50 per day worked. Isham Perkins and John Cain, of Warren County, William Simpson, Isaac Taylor, and Samuel Johnson, of White County, Richard F. Cook and David Apple, of Jackson County, are named as commissioners to examine the central point to see if the same is suitable for a town and report their findings to the quarterly court of Overton County. If the site is not a suitable place for a county seat, then Monroe shall continue in that capacity. The town to be laid off at the central point shall be called Livingston in honor of Edward Livingston.
10. Private Acts of 1831, Chapter 153, provided that the dividing line between Overton and Fentress County shall be altered so as to make Willis Huddleston a citizen of Overton County. The line shall begin where the county line now crosses the old path leading from the Huddleston house to his cotton gin, running 125 poles east, thence south with the variation of the county line the same distance, thence west to the line run by Burchett Douglas, which shall be the line hereafter.
11. Acts of 1845-46, Chapter 75, recited that Putnam County was formed out of portions of Jackson, White, and Overton counties in 1841, and was duly organized as a county. Further, that, at the March term of the chancery court at Livingston in Overton County, the Honorable Bromfield L. Ridley, Chancellor, in the case of Patrick Pool and William Goodbar, complainants, against William H. Carr, et al., quashed the Formation of Putnam County because such action reduced Overton and Jackson counties both below their constitutional limits of 625 square miles, and great inconvenience and concern have arisen, this act validates all marriages, conveyances of land, deeds, mortgages, and other instruments executed when the county existed, and all other acts done in good faith by county officials.
12. Acts of 1847-48, Chapter 36, changed the lines between Overton and Jackson counties so that the line ran with the Cumberland River from where the said line first strikes the River above Celina to the Kentucky State line.
13. Acts of 1849-50, Chapter 110, transferred the farms and residences of James S. Winningham, Absolom Garrett, Abram Garrett, and Samuel Reagan, out of Fentress County and put them in Overton County.
14. Acts of 1851-52, Chapter 221, Section 3, rearranged the lines between Overton and Fentress counties so that the line began on the present county line at or near James Boles fourth corner tree which is the beginning corner of a tract of land on which T. M. Allred now lives; thence eastwardly with the line of the said tract of land to the second corner tree; thence northwardly with the line of said tract to Rock House Creek, and thence down the creek to the old county line.
15. Public Acts of 1866-67, Chapter 28, Section 2, moved all of J. D. Hale's tract of land out of Overton County and into Fentress County.
16. Public Acts of 1867-68, Chapter 13, Section 3, altered the boundary lines between Overton County and Fentress County so that all the land belonging to Elizabeth Flowers would be wholly included in Overton County. The act would take effect immediately and all conflicts were repealed.
17. Public Acts of 1868-69, Chapter 36, Section 3, conveyed all the land and residence of James Peak out of Overton County and into Putnam County.
18. Public Acts of 1868-69, Chapter 43, rearranged the boundaries between Overton County and Fentress County to the effect that a 60 acre tract of land belonging to R. Dowdy went out of Overton County and into Fentress County.
19. Public Acts of 1870, Chapter 49, moved all the lands belonging to Samuel Welch out of Overton County and into Putnam County but Welch was not relieved from paying any taxes due to Overton County.
20. Public Acts of 1870, Chapter 62, changed the lines between Overton County and Jackson County so that the whole of the land on which George Kinnaird now lives is in Jackson County, but he is not relieved from paying any taxes which may be due and owing to Overton County.
21. Public Acts of 1870-71, Chapter 68, detached the home and farm of James Amonett from Fentress County and attached the same to Overton County.
22. Public Acts of 1870-71, Chapter 111, moved the home and farm belonging to Elijah Peeke, on

which he now lives, out of Overton County and into Putnam County.

23. Public Acts of 1873, Chapter 80, transferred all the lands and buildings to William Gunter out of Overton County and into Fentress County but nothing in this act shall be construed to add any other citizens, or lands, to Fentress County except the petitioners.
24. Public Acts of 1875, Chapter 140, Section 2, contained a metes and bounds description changing the lines between Overton County and Clay County but the total effect of the act was to move the lands of T. W. Berry, Thomas Martin, W. W. Chilton, C. N. Heard, W. Heard, W. H. Welburn, Matthew Armey, and John F. Gawette out of Overton and into Clay County provided Overton is not reduced below the constitutional limits.
25. Public Acts of 1875, Chapter 140, Section 5, moved the farm belonging to James H. Ferrell out of Fentress County and into Overton County.
26. Public Acts of 1881, Chapter 132, changed the lines between Overton County and Clay County commencing on the said line at Carter's Creek, running up the said creek 400 yards to Thomas Martin's spring, thence up the right hand fork of the said creek to include the house of Thomas Martin, about 600 yards to the forks of a branch; thence up the right hand branch to the Overton and Clay County line, a distance of about 200 yards, which would place all the lands and houses of Thomas Martin and William Martin in Clay County.
27. Public Acts of 1883, Chapter 65, transferred all the lands and improvements of Tranville F. Bilbrey out of Fentress County and into Overton County.
28. Public Acts of 1885, Chapter 117, moved the lands of John Hill's mountain tract, Margaret McDonald's tract, Conoway Cooper's fifty acres, William Choate's tract, and Milton K. Hargrove's tract all out of Pickett County and into Overton County.
29. Public Acts of 1885, Chapter 128, altered the boundaries between Overton County and Clay County beginning where the county line crosses Mitchell Creek, thence up the creek till it passes a direct line to the said county line, thus cutting of some ten to fifteen acres from Overton County to Clay County, which was a portion of the lands of T. B. Davis, whereon the residence of W. T. Davis now stands in Clay County.
30. Public Acts of 1887, Chapter 195, transferred the lands of A. P. Warren out of Overton County and into Putnam County.
31. Public Acts of 1887, Chapter 212, changed the boundaries between Overton and Putnam Counties so that the lands of A. J. Poteet were wholly contained in Overton County.
32. Public Acts of 1889, Chapter 60, moved the lands of John Barnes out of Overton County and into Putnam County provided that no other citizen is affected by this act nor Overton County be reduced below the constitutional limits thereby.
33. Public Acts of 1889, Chapter 62, changed the lines between Overton County and Clay County so as to place the lands and homes of Thomas Marlin and J. K. P. Davis into Clay County.
34. Public Acts of 1889, Chapter 116, moved the lands of Sampson Bartlett from Overton County into Putnam County.
35. Public Acts of 1891, Chapter 233, changed the lines between Overton County and Clay County so as to include the lands of John Conner, James Conner and O. C. Waddle, which bordered on the line between the two, wholly within Overton County.
36. Public Acts of 1891, Chapter 260, detached the lands belonging to J. H. France from Putnam County and attached the same to Overton County.
37. Private Acts of 1897, Chapter 287, moved the residence and farm belonging to R. N. Smith out of Pickett County and into Overton County.
38. Public Acts of 1899, Chapter 82, transferred the lands of James Conner out of Pickett County and back into Overton County.
39. Private Acts of 1901, Chapter 214, detached all the lands belonging to Robert Fletcher which were situated in Overton County from that county and attached them to Clay County.
40. Private Acts of 1901, Chapter 262, was an act which moved some property between Putnam County and Jackson County, and then changed the lines between Overton and Putnam Counties so as to include all the property of Sampson Bartlett in the fifteenth civil district of Putnam County.
41. Private Acts of 1901, Chapter 482, moved the land and residence of Gabriel A. Marcom from Clay County over into Overton County.

42. Acts of 1903, Chapter 56, rearranged the county lines between Overton County and Putnam County so as to place the lands belonging to J. W. Warren wholly within Overton County.
43. Acts of 1903, Chapter 223, altered the lines between Overton County and Putnam County beginning at the Putnam and Overton County line in Leo Matheneys line and with his line and A. P. Warren's line to the old Fisk Road, then north with the road to the Overton County line so that all lands on both sides of the road, including Kate Going's are now in the first civil district of Overton County.
44. Acts of 1903, Chapter 425, detached the lands of W. F. Judd from Overton County and attached them to Putnam County.
45. Acts of 1903, Chapter 512, brought the lands and buildings belonging to Melvin Phillips out of Fentress County and put them into Overton County.
46. Acts of 1903, Chapter 523, moved all the lands belonging to Barnes and Harp out of Overton County and into Putnam County.
47. Acts of 1905, Chapter 38, realigned the boundaries between Overton and Putnam counties beginning at a stake in the Putnam County line and the Bohannon line to a stake in the corner of the same, thence with his and Matheny's line to a stone, thence with his and J. A. Smith's line back to the Putnam County line so that all the lands of John Bohannon are included in Putnam County.
48. Acts of 1905, Chapter 193, transferred the land belonging to Lottie Sells, which was located in Overton County, out of that county and into Pickett County.
49. Acts of 1905, Chapter 218, rearranged the county lines between Overton County and Putnam County so that the land of Ben Mason is relocated out of Putnam County and put into Overton County.
50. Acts of 1905, Chapter 258, moved all the lands of James Glidewell which were located in Clay County near Oakey, Tennessee, out of Clay County and placed them into Overton County.
51. Acts of 1905, Chapter 337, changed the boundary lines between Overton County and Clay County so that the lands of A. J. Poston, Bill Smith, J. P. Maxwell, J. B. Ayers, Elijah Carwile, and part of the farms of Mrs. Fisk Kirkpatrick are to be included in the third civil district of Overton County. A fairly good description of the properties involved is included in Section 2 of the act.
52. Acts of 1905, Chapter 373, changed the lands of James Boles, near Spurrier, Tennessee, from the jurisdiction of Overton County and placed them under Pickett County.
53. Acts of 1905, Chapter 378, is identical to Acts of 1905, Chapter 193, above, which moved the lands of Lottie Sells out of Overton County and into Pickett County.
54. Acts of 1905, Chapter 453, transferred the entire farm of Samuel Hall from Fentress County into Overton County.
55. Acts of 1909, Chapter 493, removed all the lands of James Warren from Overton County and placed them in Putnam County.
56. Acts of 1909, Chapter 538, transferred from Clay County into Overton County the property of Dr. Cullom Sidwell, which was known as part of the Buck Farm. This act was repealed by Private Acts of 1931, Chapter 430.
57. Private Acts of 1911, Chapter 537, changed the boundaries between Overton County and Putnam County so as to include in Putnam County a strip of Overton County land at Cedar Springs, Tennessee, containing about ten acres, which lie southwest at the northeast line at the Putnam County Pike right of way as it is now surveyed, running from Monterey to Shady Grove in the direction of Brotherton and Cookeville, Tennessee.
58. Private Acts of 1913, Chapter 220, detached all the lands belonging to B. L. Judd from Overton County and attached them to Putnam County.
59. Private Acts of 1913, Chapter 221, moved all the property and farm belonging to Ben Mason out of Putnam County and into Overton County.
60. Private Acts of 1915, Chapter 686, so changed the boundary lines between Overton County and Pickett County that the lands of A. J. Lacy were all included in Pickett County.
61. Private Acts of 1919, Chapter 80, removed all the lands of Charley Warren from Overton County and placed them in Putnam County.
62. Private Acts of 1919, Chapter 327, rearranged the boundary lines between Overton County and Fentress County so that the land belonging to M. B. Smith would be contained wholly within

Fentress County.

63. Private Acts of 1919, Chapter 611, changed the boundaries so that all the lands belonging to Polk and Wilson would be included wholly in Overton County instead of Fentress County.
64. Private Acts of 1931, Chapter 391, changed the lines between Overton County and Putnam County by detaching from Overton and attaching to Putnam the land belonging to J. W. Warren beginning at a post oak on the north corner of the Gaw farm, now belonging to J. W. Warren, running east 27½ poles, with the road to a set stone; west 27½ poles with Warren's line to the public road, thence north 32 poles to the beginning, containing 5½ acres, more or less.
65. Private Acts of 1931, Chapter 450, detached the farm of Ben Mason, about 3 acres, from Putnam County and attached it to Overton County which action would now place all of Mason's lands in Overton County. The act has a general description of the property involved.
66. Private Acts of 1933, Chapter 213, moved Herman Parrott's land out of Overton County and into Pickett County.
67. Private Acts of 1933, Chapter 214, transferred the farm of W. M. Barnes from Putnam County into Overton County.
68. Private Acts of 1933, Chapter 221, rearranged the lines between Overton County and Clay County so that all the farm and residence of W. H. Maynard was included wholly within Overton County.
69. Private Acts of 1937, Chapter 839, changed the boundaries of the city of Livingston so as to exclude from the city and return to the county the tract of land known as the Florence Dillon home place, containing about seven acres, bounded on the north by other Dillon lands, on the south by Freeman, Edwards, and Sam Flowers, on the east by M. C. Carr, and on the west by Freeman and Maynard.
70. Private Acts of 1939, Chapter 244, placed all the lands now owned by Dillard Maynard, which are now situated in Clay County into Overton County.
71. Private Acts of 1939, Chapter 561, placed a segment of Overton County into Clay County which is bounded on the north of G. L. Maynard and Eddie Brown; on the east by the land of the Fletcher heirs; on the south by the land of the Stinson heirs; on the west by the lands of Farley Robbins, Gertrude Kelly, and Edd Chilton, about 150 acres, more or less, which is part of Chatt Chilton's lands bordering the line.
72. Private Acts of 1941, Chapter 502, took the lands of Mrs. S. V. Bowden out of the city of Livingston and returned them to the county.
73. Private Acts of 1945, Chapter 265, changed the county lines between Overton County and Putnam County so as to include the lands of Walter Thompson, consisting of 35 acres, now located in Putnam County, wholly within Overton County, bounded on the north by R. J. Thompson, on the east by Walter Thompson, on the south by J. H. Williams, and on the west by Bear Creek.
74. Private Acts of 1945, Chapter 330, set up a schedule of fees to be charged by surveyors in Overton County which showed ten cents for each search and copy, fifty cents for recording a plat and a certificate, \$7.50 per day for services rendered, and \$5.00 for the actual time necessary for the calculation of the area of such surveys. All services ordered by a court are to be included in the court costs.
75. Private Acts of 1949, Chapter 730, detached from the Eighth civil district of Overton County so much of the farm of C. F. Officer as was located in the said district and attached the same to the fourteenth civil district of Putnam County.

## Chapter V - Court System

### General Sessions Court

### Private Acts of 2023 Chapter 23

**SECTION 1.** The Juvenile Court for Overton County Court shall have concurrent jurisdiction, power and authority with the Chancery and Circuit Courts to hear and determine all cases of adoption, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees and judgments. The Overton County Judge of the Juvenile Court may sit by interchange in exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101, et seq.

regarding adoptions.

**SECTION 2.** Appeals from any judgment as to adoptions rendered by the Juvenile Court for Overton County Court arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All adoption cases brought in the Juvenile Court for Overton County Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the Juvenile Court for Overton County Court shall keep a docket of adoption cases filed in the Juvenile Court for Overton County Court, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts.

In exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101, et seq. regarding adoptions, the Juvenile Court of Overton County Court shall be a court of record, the records to be kept and preserved as required by law for Circuit and Chancery Courts. The Judge of the Juvenile Court for Overton County Court shall make and cause to be entered on record all such orders and decrees regarding adoption matters as may be passed by the Judge, according to the practice and rules now obtaining in the Chancery and Circuit Courts in order to effect and complete the jurisdiction herein conferred.

**SECTION 3.** The Juvenile Court for Overton County Court shall have the power and authority to try cases regarding adoptions, the same as the Circuit and Chancery Courts now have, in all such cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

**SECTION 4.** The Juvenile Court for Overton County Court shall have authority to hear and determine all undisposed adoption cases over which jurisdiction is conferred by this act and which are pending in Overton County at the time this act takes effect as if such cases had originated in the Juvenile Court for Overton County Court.

**SECTION 5.** 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 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Overton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

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

Passed: April 28, 2023.

## Probate Court

### Private Acts of 2000 Chapter 67

**SECTION 1.** Chapter 20 of the Private Acts of 1967 is hereby repealed.

**SECTION 2.** Chapter 295 of the Private Acts of 1972 is hereby repealed.

**SECTION 3.** The Chancery Court of Overton County shall have jurisdiction relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters as provided under Tennessee Code Annotated § 16-16-201. The Clerk and Master of Overton County shall serve as the clerk of all matters of probate and all records relative to jurisdiction and proceedings before said court shall be filed with the Clerk and Master of Overton County.

**SECTION 4.** The General Sessions Court of Overton County shall retain jurisdiction over all juvenile matters pursuant to Tennessee Code Annotated, Title 37, Chapter 5, Part 2. The Clerk and Master of Overton County shall serve as Clerk of the Juvenile Court of Overton County and all records relative to jurisdiction and proceedings before said court shall be filed with the Clerk and Master of Overton County.

**SECTION 5.** The General Sessions Court of Overton County shall retain jurisdiction of domestic relations and workers compensation concurrent with the Circuit and Chancery Courts, and in addition, the General

Sessions Judge may sit by interchange with the Circuit and Criminal Judges and with the Chancellor, and they with the General Sessions Judge, in Overton County.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Overton County. Its approval or nonapproval shall be proclaimed by the presiding officer of Overton County and certified to the Secretary of State.

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

Passed: January 31, 2000.

## Court System - Historical Notes

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

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

1. Acts of 1806, Second Session, Chapter 11, stated that after the passage of this act any householder, or any person holding land by bond, or by entry shall be competent in all respects whatever to serve as jurors in the counties of White and Overton in the same manner and as fully as if they were freeholders, any law to the contrary notwithstanding.
2. Acts of 1806, Second Session, Chapter 24, annexed Wilson County to the Mero District, and apportioned the number of jurors each county must furnish for the courts. In the Winchester District which was a part of Mero, Smith County would send 16 jurors, Jackson County, 12 jurors, Overton County, 7 jurors, and White County, 4 jurors, to the district court which would be held at Carthage.
3. Acts of 1817, Chapter 128, provided that the justices of the several counties, including Overton, at their first session in each year may lay a tax for the purpose of making an additional compensation to the jurors attending the county and circuit courts, provided a majority of the justices are present when the tax is laid and the additional compensation in any case does not exceed fifty cents per day.
4. Private Acts of 1923, Chapter 160, amended Public Acts of 1919, Chapter 37, which authorized and empowered the judges of the criminal courts and of the circuit courts with criminal jurisdiction to appoint the foreman of the grand juries, so that this law, as written, does not apply to Clay, Overton and Pickett counties. This act is repealed by the one following.
5. Private Acts of 1925, Chapter 773, expressly repealed Private Acts of 1923, Chapter 160, Item 4, above, which relates to the appointment of foremen of the grand juries, entirely for Overton County.
6. Private Acts of 1927, Chapter 156, amended Private Acts of 1923, Chapter 160, above, by removing Pickett County from its application.
7. Private Acts of 1929, Chapter 932, expressly and entirely repeals Private Acts of 1923, Chapter 160, as it applies to all three counties, Clay, Overton and Pickett, which would place them under the general law.
8. Private Acts of 1931, Chapter 723, exempted Overton County from the provisions of Private Acts of 1923, Chapter 160, which related to the appointment of foremen of the grand juries.
9. Private Acts of 1933, Chapter 34, stated that, in Overton County, identified by the use of the 1930 Federal Census figures, it shall be the duty of the presiding judge of the criminal court, the circuit court, or any other court having criminal jurisdiction to designate at each term of court from the 13 members of the grand jury drawn according to law, one of the 13 who shall act as a foreman of the same during that particular term of court but not otherwise. The foreman so designated would be paid \$2.00 per day for each day served in that capacity.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Overton County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Second Session, Chapter 27, Section 9, provided that the first courts in Overton



County would be held at the house of Benjamin Totton until they were adjourned to a better and permanent place. It is doubted that the chancery court met at this place during the early years of Overton County.

2. Public Acts of 1824, Chapter 14, directed, among other things, that the justices of the supreme court shall arrange among themselves to hold a court of chancery at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia and Charlotte. The court at Carthage would hear equity cases from Overton, Fentress, Jackson, Smith, Sumner and Wilson counties in the two week terms of court which would start on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, Section 3, divided Tennessee into two chancery districts, the Western which had in it the courts held at Franklin, Columbia, Charlotte, Jackson and Paris, and the Eastern which contained the courts of Rogersville, Greenville, Kingston, Carthage and McMinnville. Two chancellors would hold the courts mentioned who would be appointed by joint ballot of the two houses of the general assembly.
4. Public Acts of 1827, Chapter 88, stated that the chancellors of the chancery court had the right to interchange among themselves but court must be held at least twice each year in the Eastern Division at Carthage on the third Monday of July and January for the cases arising in the counties of Overton, Fentress, Jackson, Smith, Sumner and Wilson.
5. Public Acts of 1831, Chapter 57, provided that a chancery court for the eastern division of Tennessee shall be organized and held at the town of Monroe in Overton County for the counties of Overton and Fentress, which court shall be in addition to the other courts of equity now established in the Eastern District. The terms of court shall begin in Monroe on the first Monday in April and October, and continue for as long as two weeks.
6. Public Acts of 1832, Chapter 19, reschedules the opening dates for all the chancery courts in East Tennessee, which were listed in the act as being located at Rogersville, Greenville, Madisonville, McMinnville, Carthage and Knoxville. The court at Kingston was set for the second Monday in June and December and the district court at Monroe in Overton County had terms slated to open on the third Monday in June and December.
7. Public Acts of 1832, Chapter 20, was a similar act to Chapter 19, above, with schedules for court terms in both circuit and chancery court. Overton Chancery Court terms were kept to the third Monday in June and December.
8. Public Acts of 1835-36, Chapter 4, had provisions for three chancellors to hold the chancery courts, one for each of the three divisions into which Tennessee was now organized. court would continue to be held twice a year. The three divisions were further divided into districts. The First District of the Middle Division was made up of the counties of Fentress, Overton and Jackson, and court would be held for that district in Livingston, in Overton County, on the first Monday in January and July.
9. Acts of 1837-38, Chapter 116, Section 13, reset the times for opening the terms of the chancery court in some of the counties in the Middle Division of the state. Terms would begin at Livingston, in Overton County, for the first district, on the first Monday in March and September. Terms were changed also for the courts at McMinnville, Carthage and Lebanon.
10. Acts of 1839-40, Chapter 21, fixed the times for starting the terms of the chancery court in the fourth district, which was created by the act below. This district was composed of the courts at Livingston, Carthage, Lebanon, Murfreesboro, Shelbyville, Winchester, McMinnville and Pikeville. The court at Livingston would open on the first Monday in March and September.
11. Acts of 1839-40, Chapter 33, separated the state into four chancery districts. The district had in it the courts now being held at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro and Shelbyville. A chancellor would be elected who shall be a resident of the district and take over this division.
12. Acts of 1845-46, Chapter 82, Section 2, contained changes in court terms for some of the courts in the fourth chancery district, those being listed were Lafayette, Gainsboro, Winchester, Sparta, Smithville, McMinnville, Woodbury and Livingston where the chancery court would start on the third Monday in March and September.
13. Acts of 1853-54, Chapter 54, laid out the fifth chancery division in Section 1 and the sixth division in Section 2. The fifth division contained the chancery courts then being at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta and Livingston. Court terms remained as they were then set up. Section 2 created the sixth division and assigned to it the counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur,

- Henderson, McNairy, Hardin, Wayne and Lawrence.
14. Acts of 1853-54, Chapter 123, Section 4, changed the chancery court terms in the counties of Overton, DeKalb, Warren and Cannon. The chancery court at Livingston would begin its terms on the third Monday in March and September.
  15. Acts of 1855-56, Chapter 112, Section 3, reset the terms of the chancery courts in the fifth chancery division. The court at Livingston would hereafter begin its terms on the first Monday in April and October.
  16. Public Acts of 1857-58, Chapter 88, reorganized the state into the Eastern, Middle, Western fourth, fifth and sixth chancery divisions. The fifth division was composed of the counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Fentress, Scott, Morgan, Roane, Meigs, Rhea, Blount, Monroe and Overton whose chancery court would begin on the first Monday in April and October.
  17. Private Acts of 1859-60, Chapter 14, created the seventh chancery division in Tennessee placing in it the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith and Stewart. The chancellor would be elected as other chancellors, and have the same powers and jurisdiction. This chancellor would also hold the circuit court in Sumner County. Court would start in Livingston in Overton County on the first Monday in February and August.
  18. Public Acts of 1865-66, Chapter 52, directed that the judge of the fifth judicial circuit would hereafter hold the chancery court of Overton County in Livingston and the judge of the seventh chancery division is hereby relieved of that responsibility.
  19. Public Acts of 1866-67, Chapter 25, Section 4, consolidated the circuit and the chancery courts of Overton County, and directed that all the process outstanding which was returnable to the chancery court would be made returnable to the terms of the circuit court best suited. Court would continue in Livingston.
  20. Public Acts of 1867-68, Chapter 88, Section 8, amended Public Acts of 1866-67, Chapter 25, above, so as to change the terms of the chancery court at Livingston in Overton County to the third Monday in March and the second Monday in November of each year.
  21. Public Acts of 1868-69, Chapter 44, attached Smith County to the seventh chancery division and changed the terms of chancery court at Livingston to the fourth Monday in March and the second Monday in October.
  22. Public Acts of 1870, Chapter 32, divided the state into twelve chancery districts, assigning to the fifth chancery district the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb and Clay.
  23. Public Acts of 1870, Chapter 47, scheduled the court terms for the chancery courts of every county in the State of Tennessee. The court would take up the docket in Overton County on the first Monday in January and July.
  24. Public Acts of 1881, Chapter 17, rescheduled the opening dates for the terms of the chancery courts in DeKalb, Macon, Smith, Clay and Overton counties in the fifth chancery division. Overton was set to begin the terms of court on the first Monday after the fourth Monday in May and November.
  25. Acts of 1885, Extra Session, Chapter 20, reorganized the entire lower court system in Tennessee. Eleven chancery divisions were formed of which the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith and Macon made up the fifth division. Court terms would begin in Overton County on the first Monday in April and October.
  26. Acts of 1891, Extra Session, Chapter 11, rearranged the terms of the chancery court in some of the counties in the fifth chancery division but Overton County's Chancery Court would continue to convene on the first Monday in April and October.
  27. Public Acts of 1895, Chapter 15, again rescheduled the chancery court terms for some of the counties in the fifth chancery division which contained the same counties. Overton County would still begin the chancery court terms on the first Monday in April and October.
  28. Public Acts of 1899, Chapter 427, was the next major revision of the lower court system in the state in which ten chancery divisions were formed. The fourth chancery division was composed of the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale. Courts in Overton County would begin on the first Monday in April and October.
  29. Acts of 1903, Chapter 97, rescheduled opening dates for some of the chancery courts in the fourth chancery division but Overton County held on to the first Monday in April and October as

their opening dates.

30. Acts of 1905, Chapter 120, made some changes in the term schedule of the chancery courts of the fourth division. Every county, no changes being made in the number, is mentioned in this law. Overton County would start the chancery court terms on the first Thursday after the second Monday in April and October.
31. Private Acts of 1911, Chapter 507, brought about some additional changes in the term schedules for the fourth chancery division. Overton County was assigned to the third Monday in January and July.
32. Public Acts of 1931, Second Extra Session, Chapter 38, was the next major reorganization of the lower judicial system in Tennessee and was the last statute of this nature to appear in the private acts. The later changes would be by public act and therefore be codified in the Tennessee Code. This act produced fourteen chancery divisions. The fourth had the counties of Cannon, Trousdale, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam and Overton whose court would begin on the third Monday in January and July.

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

The reference list below contains an act which once applied to the Clerk and Master in Overton County.

1. Private Acts of 1919, Chapter 62, directed the trustee of Overton County to pay to the clerk and master the sum of \$38.75 in satisfaction of a bill of cost in the case of the State ex rel. vs. John A. Gunnell, which was adjudged against the Allons School District, and take this receipt therefor. The money shall be paid out of any available school funds and charged to the Allons School District.

### **Circuit Court**

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

1. Acts of 1806, Second Session, Chapter 27, Section 9, created Overton County and further provided that the first courts of the county would be held at the house of Benjamin Totton until they were adjourned to a better and permanent place.
2. Acts of 1809, First Session, Chapter 49, divided Tennessee in five judicial circuits. The third circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White and Jackson. The circuit court would be held at the courthouse in Overton County on the second Monday in March and September.
3. Acts of 1812, Second Session, Chapter 68, changed court terms for some of the counties in the fifth circuit setting the courts in Overton County to begin on the second Monday in February and August.
4. Acts of 1813, Chapter 134, rearranged the term schedule for several counties including Overton whose circuit court terms would hereafter begin on the second Monday in March and September.
5. Acts of 1817, Chapter 138, rescheduled the circuit court terms for the third, fourth, fifth and sixth judicial circuits. The circuit court of Overton County would start the terms on the second Monday in March and September.
6. Private Acts of 1819, Chapter 160, rearranged the term schedule for the circuit courts in Jackson, White, Warren, Smith and Overton counties. Overton's court would convene in Monroe at the courthouse on the fourth Monday in February and August.
7. Private Acts of 1820, Second Extra Session, Chapter 98, changed the terms for the circuit courts in Jackson and Overton counties. Overton's court would begin at Monroe on the third Monday in February and August.
8. Private Acts of 1821, Chapter 172, fixed the terms of the circuit court for the counties of Franklin, Warren, White, Jackson and Overton whose court would meet at the courthouse in Monroe on the second Monday in March and September.
9. Private Acts of 1827, Chapter 227, Section 2, extended the privilege to Elizabeth Ramsey to file a petition for divorce from her husband William Ramsey, in the circuit court of Overton County.
10. Public Acts of 1829-30, Chapter 59, rearranged the circuit court terms in Fentress County and Overton County which went back to the third Monday in March and September at Monroe. All process would be made to conform to the change in dates.
11. Public Acts of 1832, Chapter 20, changed the opening dates for the circuit courts of Fentress, Jackson, White and Overton counties. The circuit court terms for Overton County would begin on

- the fifth Monday of February and August, and if no fifth Monday occurred, then, on the first Monday in March and September.
12. Public Acts of 1833, Chapter 21, changed the time of holding the circuit court in Overton County to the first the first Mondays of March and September.
  13. Public Acts of 1835-36, Chapter 5, was a complete reorganization of the judicial system of the state pursuant to the new 1835 Constitution. This act provided that a circuit court would be established in every county of the state and hold three terms a year at least. For these purposes Tennessee was organized into eleven judicial circuits. The fourth judicial circuit contained the counties of Smith, Overton, White, Jackson, Fentress and Warren, and the terms of court for Overton County would begin on the fourth Monday in February, June and October.
  14. Acts of 1851-52, Chapter 230, changed the opening dates for the circuit court terms in White, Fentress and Overton counties which would open the terms of circuit court on the third Monday in February, June and October.
  15. Public Acts of 1857-58, Chapter 95, created the sixteenth judicial circuit and placed in it the counties of White, Scott, Cumberland, Bledsoe, Marion, Morgan, Sequatchie, Fentress and Overton. The sheriffs of these respective counties would hold an election on the fourth Thursday in May, 1858, in which a judge and an attorney-general would be elected, who would be paid the same, and have the same power, rights, and authority as others. Overton County's Circuit Court would commence the terms on the second Monday in February, June and October.
  16. Public Acts of 1857-58, Chapter 98, rearranged the lineup of counties in the sixteen judicial circuits of Tennessee. The fifth circuit contained the counties of Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress and Overton where the circuit court would meet on the fourth Monday of January, May and September.
  17. Public Acts of 1866-67, Chapter 25, consolidated the circuit court and the chancery court of Overton County making all outstanding process of the chancery court returnable to the terms of the circuit court, as they were then fixed by law, and all future process would be treated likewise and made returnable to the court at Livingston.
  18. Public Acts of 1870, Chapter 31, was part of a general overhauling of the lower court system of Tennessee which established fifteen regular and one special judicial circuits in the state. The fifth judicial circuit consisted of the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon and Clay.
  19. Public Acts of 1870, Chapter 46, set up a schedule of circuit court terms for every county in the state. In Overton County the court terms would commence on the first Monday of February, June and October.
  20. Acts of 1872, Extra Session, Chapter 15, rearranged the terms of the circuit courts in the fifth judicial circuit shifting Overton County to the fourth Monday in January, May and September.
  21. Public Acts of 1873, Chapter 22, established the sixteenth judicial circuit of Tennessee placing in it the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton and Cumberland. The governor would appoint a judge and a district attorney to serve until their successors could be elected at the next general August election, all of whom would be just as the others were. The circuit court at Livingston in Overton County would be held commencing on the second Monday after the fourth Monday in March, July and November.
  22. Public Acts of 1882, Second Session, Chapter 3, Section 3, stated that hereafter the circuit court of Overton County shall be held in Livingston on the third Monday after the fourth Monday in March, July and November.
  23. Public Acts of 1885, Chapter 12, fixed the opening dates for the circuit court terms in Fentress, Pickett, Cumberland and Overton counties. The Overton County Circuit Court would start on the third Monday in April, August and December.
  24. Acts of 1885, Extra Session, Chapter 20, reorganized the entire lower court system of Tennessee forming 16 regular, and one special, judicial circuits. The fifth judicial circuit was made up of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale; and setting the terms of court for Overton County to begin on the first Tuesday after the third Monday in February, June and October.
  25. Public Acts of 1887, Chapter 12, changed court terms for some of the counties in the fifth judicial circuit switching Overton County to the third Monday after the fourth Monday in January, May and September.
  26. Private Acts of 1897, Chapter 294, amended Acts of 1885, Extra Session, Chapter 20, by

rescheduling some of the court terms in the fifth judicial circuit. Overton County would convene the circuit court on the first Monday in February, June and October.

27. Public Acts of 1899, Chapter 427, was the next complete restructuring of the lower court system of the state. Fourteen regular, and one special, judicial circuits were formed in which the fifth judicial circuit contained the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White and Macon. Circuit court terms would begin in Overton County on the first Monday in February, June and October.
28. Private Acts of 1901, Chapter 324, reset the terms of the circuit court for some of the counties in the fifth judicial circuit moving Overton County to the third Monday in February, June and October.
29. Acts of 1907, Chapter 85, established the criminal court of the fifth judicial circuit, taking that jurisdiction out of the circuit courts. Circuit court was held on the third Monday in February, June and October.
30. Acts of 1907, Chapter 122, rescheduled the terms of the circuit courts in the fifth circuit after forming the criminal division in that circuit. Smith, White, Cumberland, Pickett, Clay, Jackson, Putnam, Trousdale, Macon and Overton are the counties remaining in the civil division of the circuit. Overton County would open the doors of the circuit court on the first Monday in March, July and November.
31. Private Acts of 1921, Chapter 382, declared that persons authorized to take depositions in Overton County may take them in shorthand and subsequently reduce the same to writing or typewriting, or may take the depositions directly on the typewriting machine, provided the person taking the depositions can and does certify to its accuracy and veracity and that it was read and approved by the witness testifying. The witness' name may be signed if proper authority is given. Ten cents a page may be charged for transcribing and added as a part of the costs in the case.
32. Public Acts of 1931, Second Extra Session, Chapter 38, is the last major reorganization of the lower courts of Tennessee which appears in the volumes of private acts. Subsequent changes were public acts and appear in the Tennessee Code Annotated. This act produced twenty judicial circuits, the fifth being composed of the counties of Clay, White, Jackson, Putnam, Cumberland, Pickett and Overton where the circuit court terms would begin on the first Monday in March, July and November.
33. Private Acts of 1935, Chapter 816, rendered null and void the fines and costs which were adjudged against Haskell Matthews, convicted in the circuit court of Overton County on charges of violating the bone dry law and disturbing public worship, and against Bob Matthews, who admitted to a charge of driving while under the influence of liquor, the same being canceled.

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

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

1. Private Acts of 1829-30, Chapter 183, was the legal authority for the register and the circuit court clerk of Overton County to keep their offices at any place within one-half miles of the courthouse of the county.
2. Acts of 1903, Chapter 255, was another of the early salary acts enacted as general law but this one concerned the circuit court clerks alone and set their annual salary according to the population of the county in which they served. Other conditions about filing a sworn, itemized statement of all fees collected in the office had to be met. According to our population figures, the circuit court clerk of Overton County would have been paid \$500.00 a year under this law. If the fees did not meet that figure, the county would make up the difference; if the fees exceeded the figure, the clerk was permitted to keep the excess.
3. Private Acts of 1911, Chapter 532, provided that the circuit court clerk of Overton County shall be paid out of the county treasury the sum of \$1,200 per annum, payable quarterly. The clerk shall keep an account of all fees collected and pay them into the county treasury. This act was repealed by the one following.
4. Private Acts of 1913, Chapter 267, specifically repealed Private Acts of 1911, Chapter 532, above, which set the annual salary of the circuit court clerk.

#### **Criminal Court**

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

1. Acts of 1907, Chapter 85, created the criminal court for the fifth judicial circuit composed of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith counties.
2. Private Acts of 1931, Chapter 298, amended Acts of 1907, Chapter 85, Section 3, published herein, by changing the terms of the criminal court of Clay County but did not have any bearing on any other county.
3. Private Acts of 1933, Chapter 889, relieved Hoy Clark, and his sureties, from the payment of a fine of \$100.00 and cost in Overton County. The fine was declared to be null, void, and of no effect and is therefore cancelled, having been assessed against the said Hoy Clark in the criminal court of Overton County on a conviction of violating the bone dry law.
4. Public Acts of 1977, Chapter 444, created a second division of the criminal court for the fifth judicial circuit, which Overton was a part of. The act also provided for the appointment and the election of a Judge to preside over such court and to amend Section 16-2114 of T.C.A. by fixing the time for holding the criminal court in Overton County to the third Mondays in February, June and October.

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

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

1. Acts of 1817, Chapter 65, created the sixth judicial circuit and divided the state into ten solicitorial districts. The fifth solicitorial district was composed of the counties of Bledsoe, Warren, White, Overton and Jackson. The general assembly would appoint an attorney-general for each district who would prosecute in the name of the state. Their annual salary was \$125.00 except in the district where the supreme court met where the salary was \$150.00 a year.
2. Public Acts of 1819, Chapter 4, stated that the counties of Warren, White, Overton and Jackson shall be and remain as the fifth solicitorial district. Bledsoe, Marion, Rhea, Hamilton and McMinn counties were taken out to form the eleventh solicitorial district.
3. Acts of 1907, Chapter 381, created the post of assistant attorney-general for the fifth judicial circuit, who would be appointed by the attorney general and serve at his pleasure and direction. He shall be 25 years of age, or older, and learned in the law. The salary was \$1800 a year payable monthly, out of the treasury of the state on the warrant of the comptroller. This act was repealed by the one below.
4. Private Acts of 1919, Chapter 166, repealed Acts of 1907, Chapter 381, above, in its entirety.
5. Public Acts of 1970, Chapter 537, provided for an additional full-time assistant district attorneys general for the fifth judicial circuit and to provide for the appointment, qualifications, duties and compensation of such officer.
6. Public Acts of 1976, Chapter 563, provided for the appointment of two additional fulltime assistant district attorneys general for the fifth judicial circuit and to provide for the qualifications, duties and compensation of such officers.
7. Public Acts of 1977, Chapter 444, created a second division of the criminal court for the fifth judicial circuit and assigned a district attorney general and assistants to each division.
8. Public Acts of 1978, Chapter 770, created the office of criminal investigator for the district attorney general of the fifth judicial circuit, Division I, and to provide for the appointment, qualification, duties and compensation of such officer.

#### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1967-68, Chapter 134, authorized the circuit and criminal judges of the fifth circuit to each hire a secretary at a salary of \$3,600 per annum. This has been superseded by the general law mentioned above.

## **Chapter VI - Education/Schools**

### **Board of Education**

# Private Acts of of 1933 Chapter 136

**SECTION 1.** That there is hereby created and established in all counties of the State of Tennessee having a population of not more than 18,080 and not less than 18,070, according to the Federal Census of 1930 or any subsequent Federal Census, a system of public education, and conferring upon the Board of Education herein created and provided for jurisdiction, supervision and control over the elementary and high school of such counties.

**SECTION. 2.** The County Board of Education of Overton County shall consist of ten (10) members with two (2) members to be elected from each of the five (5) Magisterial Districts of Overton County as follows:

Magisterial District 1 shall constitute school zone 1.

Magisterial District 2 shall constitute school zone 2.

Magisterial District 3 shall constitute school zone 3.

Magisterial District 4 shall constitute school zone 4.

Magisterial District 5 shall constitute school zone 5.

As amended by:

Private Acts of 1935, Chapter 30

Private Acts of 1972, Chapter 376

Private Acts of 1986, Chapter 151

Private Acts of 1999, Chapter 3

**SECTION 3.** In order to implement staggered terms for all members of the Board of Education, members added by this act in school zones 1 and 4 shall be elected by two-year terms at the August General Election in 2000, and members added by this act to the Board of Education in school zones 2, 3, and 5 shall be elected to four-year terms at the August General Election in 2000. Thereafter, all members shall be elected to full four-year terms at subsequent August General Elections. Existing positions on the Board of Education shall continue to be filled for full four-year terms with the existing positions in school zones 1 and 4 filled in the 2002 August General Election and the existing positions in school zones 2, 3, and 5 being filled in the 2000 August General Election.

Each member shall be a resident of the zone which that member represents and shall be elected by the qualified voters of the zone or zones from which the members shall be elected. Nothing in this act shall be construed as having the effect of removing any incumbent member of the County Board of Education from office or abridging the term of any member prior to the end of the term for which he was elected.

The positions created by this act are created as of the effective date of this act, and may be filled by the County Legislative Body until the persons elected at the August 2000 General Election were qualified and take office.

As amended by:

Private Acts of 1935, Chapter 30

Private Acts of 1972, Chapter 376

Private Acts of 1986, Chapter 151

Private Acts of 1999, Chapter 3

**SECTION 4.** That said County Board of Education shall have the same powers, rights and jurisdiction and shall perform the same functions and duties as are now conferred upon the County Boards of Education under and by virtue of Chapter 115, Acts of 1925, commonly known as the School Law, except as hereinafter provided.

**SECTION 5.** That said County Board of Education shall be elected by the Quarterly County Court of said county at the quarterly session thereof on the first Monday in April, 1933, and the members of said Board shall hold their offices until the next regular election to be held in August, 1934, at which time their successors shall be elected by the qualified voters of said counties at said regular August election, and they shall hold office for two years or until the next regular election or until their successors are elected and qualified. Said County Board of Education to be elected by the Quarterly Court at its April session in 1933 shall meet on said date or as soon thereafter as is practicable and proceed to organize said Board by the election of one of their members as Chairman, whose duties shall be the same as now conferred upon the Chairman of the County Board of Education under said Chapter 115, Acts of 1925, and likewise the County Board of Education to be elected at the regular August Election, 1934, shall on the first day of September next following thereafter proceed to elect a Chairman from one of their number.

The duties of the County Superintendent of Public Instruction under this Act shall be the same as now fixed by law, and he shall render to said County Board of Education the same services and perform the same duties as now prescribed by law, except that it shall be the duty of the County Superintendent to accept the assistance of the Supervisory Board of Education of the Town of Livingston in so far as they relate to the selection of teachers and other officers in the schools of this particular town district; and the

said County Board of Education is hereby required to only select or elect officers, teachers and other school employees in said Town of Livingston as are recommended by the Supervisory Board of Education of said Town of Livingston; provided, always, that those selected and recommended by the Advisory Board are in all respects qualified under the general school laws of the State of Tennessee for their respective positions, and it is hereby made unlawful for said County Board of Education to elect or select any other person or persons for said positions in said schools, it being the intention of this Act to confer upon said Advisory Board of Education of the Town of Livingston the right and power to designate and select those who are to be elected in the schools of said Town of Livingston.

As amended by: Private Acts of 1935, Chapter 30

Private Acts of 1943, Chapter 382

**SECTION 6.** That the members of the County Board of Education shall receive as compensation for their services the sum of \$7.50 per day for each day actually devoted to the duties of their office but not to exceed the sum of \$150.00 for any one year, their compensation to be paid from the school funds of said County.

The members of the Board of Education who shall be elected by the people at the next regular August election shall hold their offices for a term of two years from the first day of September next following said August election, and their successors shall be elected biennially thereafter.

As amended by: Private Acts of 1951, Chapter 328

**SECTION 7.** That upon the election of the members of the Board hereby created by the Quarterly County Court in April, 1933, the terms of the members of the present Board of Education shall expire, and it shall be the duty of the Chairman and the members of the present Board of Education to turn over to the Board herein and hereby created all books, records and property belonging to the schools of said counties.

**SECTION 8.** That in the transaction of all the business of the Board, the meetings shall be open and public except that if it should appear at any time in the judgment of the Chairman of the Board with the consent of the County Superintendent of Public Instruction that it is to the best interests of the public and the schools of the county that said Board go into executive session for the transaction of their business, said Board may perform its duties in executive session, but a full and complete public record of same shall be available to all the people.

**SECTION 9.** That if any section, paragraph, word or phrase of this Act for any reason shall be declared unconstitutional, it shall not operate to render said Act unconstitutional. The remaining portions of said Act shall remain in full force and effect.

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

Passed: March 21, 1933.

## Education/Schools - Historical Notes

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

1. Acts of 1806, Second Session, Chapter 8, named all the academies across the state which were to be the county academies. This act incorporated Moses Fisk, John Overton, James Chisum, John B. Cross, and Henry Ragan as the trustees for Overton Academy which would be the county academy for that county. Necessary rules and regulations as prescribed for other county academies were also imposed on this one. This act was repealed by Acts of 1826, Chapter 176.
2. Acts of 1806, Second Session, Chapter 14, recited in the preamble that it had been reported to the general assembly that Moses Fisk and Sampson Williams are both willing to contribute 1000 acres of land each as an endowment of a female academy to be established at a place called Hillham on the eastern part of Magnolia Ridge in Overton County and so this act provides for the academy under the name of Fisk's Female Academy, and names Fisk, William Chandler, William Ballard, James Chisholm and Sampson Williams as trustees.
3. Acts of 1812, Second Session, Chapter 51, appointed John Grave and William Marchbanks as additional trustees for Overton Academy in Overton County.
4. Acts of 1813, Chapter 130, was the legal authority for the trustees of Overton Academy in Overton County to publish a lottery scheme on such plan as they may consider proper to raise up to \$3,000 to be used for the benefit of the academy. The trustees must execute a proper bond



and conduct the lottery according to the rules agreed upon and the regulations established under existing law. The act named as trustees and commissioners for the lottery Archibald Rhea, George Christian, Simon Huddleston, Abel Willis, William Chilton, Andrew Steele, James Whiteside, William Fleming, Benjamin Totten, and William Armstrong.

5. Private Acts of 1826, Chapter 176, expressly repealed Acts of 1806, Chapter 8, Item 1, above, which created Overton Academy as a corporation. This act appointed George Finley, James McDowell, Joseph Bates, James Harrison, James Turner, George Heron, John Wheeler, Isaac Gore, William Nevins, Hugh C. Armstrong, and David Jackson as the trustees for Pleasant Forest Academy in Overton County, subject to the same rules and regulations as other academies. James McDowell was nominated as Chairman of the group.
6. Private Acts of 1827, Chapter 38, Section 2, added James McDonald and William Turner to the trustees of Pleasant Forest Academy in Overton County.
7. Private Acts of 1833, Chapter 67, made it the duty of the county court of Overton County, a majority of the justices being present, to appoint some skilled surveyor to identify, survey, and plainly mark, the several tracts of school lands located in the county. It was the responsibility of the surveyor chosen to make a plat of each parcel of school land, showing the water courses on them, and to file the same with an overall report with the county court who would make the surveyor a reasonable compensation payable from school funds, for his services, provided, however, that the surveyor shall have completed the surveys and filed the required plats with the county court within six months from the date of this act.
8. Acts of 1837-38, Chapter 225, was the authority for the trustees of Pleasant Forest Academy in Overton County to change the location of the academy from Monroe, or vicinity, to the town of Livingston, and a majority vote of the Trustees would be sufficient to move the school.
9. Acts of 1845-46, Chapter 71, recited that when the fractions of White, Overton, and Jackson counties, formerly composing the County of Putnam, shall make returns of the scholastic populations by their County Court Clerks in those areas for the years 1844 and 1845, to be comptroller of the treasury of the state, and it should appear to the comptroller that they were not paid their rightful share of school money due them for those years, it is hereby declared lawful for the state comptroller to pay over to them their lawful portion of the funds which shall be applied exclusively in these areas and no other.
10. Acts of 1845-46, Chapter 185, required that the trustees of Overton, Jackson, and White counties settle with the former school commissioners of the school districts in the said counties, and, if, such settlements being made, such school commissioners have paid out more money than they have on their hands and it is found that the district school funds are justly indebted to them, such trustee would refund to them the amount due out of the funds of such district.
11. Acts of 1847-48, Chapter 31, stated that the balance of the school fund apportioned to Putnam County in the year 1844, and remaining unpaid to that former county, would be paid to the trustees of White, Jackson, and Overton counties in proportion to the scholastic population of those fragments of the said counties which formerly made up Putnam County, and the funds for 1845 would be taken from the next distributive share, and divided in like manner between White, Jackson, and Overton counties.
12. Acts of 1855-56, Chapter 267, Section 18, was the legislative authority for the trustees of Overton and Fentress counties to pay out all school monies which have come, or may hereafter come, into their hands from the sale of lands, in like manner as other school funds are paid out but nothing in this act will permit the distribution of the principal amount of these funds.
13. . Acts of 1903, Chapter 367, created an independent school district in the seventh civil district of Overton County so as to include within its boundaries the following farms, and be known as the Ozana School District, James Conner, Bud Clark, James Zachary, Henry Owens, Thomas Huffer, Sue Ragen, Gilbert Ramsey, and S. Mainard, moving east to include the farms of Joe Sells and D. S. Sells; north to include G. W. Taylor, John Conner, W. M. Spicer, and O. C. Waddle. This school district would be called the twenty-fourth school district of Overton County.
14. Acts of 1903, Chapter 368, created school district No. 26 in the seventh civil district of Overton County, beginning at the Hatcher & Company mill, east to Diana Shoemake's line, to Moses Miller's line, so as to include Miller's lands, to S. Richardson's line, to G. P. Robert's line, to David Flower's line, to the Pickett County line, west with the Pickett County line to James Conner's line, up to Little Eagle Creek, and then to the beginning.
15. Acts of 1905, Chapter 283, formed the twelfth school district in the eighth civil district of Overton County, which starts in the line between the eighth and ninth civil districts where Dry Hollow

- crosses, down Thomas Loaper's line to Houston Loaper's line, to J. B. Frances' line, to Benjamin Frances' line, to the public road, leading from Ray's Store to Monterey, to Ray's old storehouse, to W. T. Livingston's line, to A. A. Qualls' line, to S. S. Shelton's line, to William Oakley's land, to Harvey J. Frances' line, to Joe Bilbrey's line, to James Dickson's line, to Jesse Qualls' line, and back to the point of the beginning.
16. Acts of 1905, Chapter 521, established an independent school district in the sixth civil district of Overton County with a metes and bounds description which begins in the center of the Livingston and Jamestown Road on the northeast corner of the lands of E. D. White and runs through to G. W. Dillon's line, then east and south to the Henson's line, north and east to Eubank's line, and then back to the beginning.
  17. Acts of 1905, Chapter 524, formed an independent school district in the fourth, sixth, and seventh civil districts of Overton County, beginning with the James Dile farm and including the farms of Sarah Gunnells, W. E. White, C. R. White, A. Morrow, W. O. Miller, William Ruder, Eva Beard, Mrs. Davis, Joseph Sidwell, Paul Neal, R. Brown, Campbell Ogletree, A. F. Crabtree, James Winningham, M. J. Phillips, David Davis, A. W. Richardson, W. D. Dennis, T. B. Hunter, Nancy Lack, John House, S. T. Peterman, John Sehon, and M. G. Sehon, and then back to the beginning.
  18. Acts of 1905, Chapter 535, specifically repealed Acts of 1903, Chapter 240, as the same applied to Overton County, it being a general public law, and providing that Overton County be restored to her former authority to create, change, and annul her school districts.
  19. Acts of 1907, Chapter 161, was the enabling legislation for Dr. R. S. Burks, J. C. Bilbrey, W. R. Officer, R. L. Mitchell, Jr., and Phillip Myers, who made up the board of directors of Livingston Academy in Overton County to sell at public auction to the highest and best bidder for cash, after giving 30 days notice, the Livingston Academy grounds and building and to convey a good and valid title to the purchaser. The proceeds of this sale were to be used to erect another school building in the city of Livingston on a tract of land conveyed to the Board by A. H. Roberts.
  20. Acts of 1907, Chapter 236, abolished all the district directors in every county school system in the state, and provided for a county board of education and a district board of advisors in their places. This act did not apply to city schools. From each of five school districts into which the county court would divide the county, one member of the board would initially be appointed by the county court and elected by the people at the next general regular August election. The duties of the board, the chairman, the secretary, and the members are all spelled out in the act. The county superintendent would be ex-officio secretary by virtue of his office. The board would be paid from \$1.50 to \$3.00 per day as set up by the county court, but for not more than 30 days each year. The three member advisory board would be elected by the people in each civil district and discharge the responsibilities enumerated for them in the bill. The county superintendent could fill vacancies on the advisory board. Nine counties exempted themselves from this act in Section 17 but Overton was not one of them. This act was part of the litigation in Whitthorne v. Turner, 155 Tenn. 303, S.W. 147 (1927).
  21. Acts of 1907, Chapter 281, formed the Bethsaida School District out of the first and second civil districts of Pickett County and the eleventh civil district of Overton County. A legal description of the area involved is incorporated into the law and is too lengthy to repeat here. The superintendent of public instruction in both counties would jointly appoint three commissioners to serve until the next general election when the commissioners shall be elected by the voters residing in this area delineated by the act.
  22. Private Acts of 1911, Chapter 293, amended Acts of 1909, Chapter 494, as the same applied to Overton County so that the compulsory attendance period for schools was reduced from 80 days per year as that act required, to 50 days for Overton County, and all other counties coming within this act.
  23. Private Acts of 1913, Chapter 274, amended Acts of 1907, Chapter 236, above, which was a general state law on school boards, in Section 17, by adding Overton County to the list of counties, exempting themselves from this act in that section, thus removing Overton County from its application.
  24. Private Acts of 1913, Extra Session, Chapter 71, authorized and empowered the county superintendent of schools in Overton County to call the clerks of the district school boards to meet at the county seat, and, it would be their duty and responsibility to agree on the prices to be paid to the teachers and the number of days of school to be taught in each district, all of which shall be equal and uniform throughout the county. Each school district and civil district are to be coextensive. Clerks will be paid \$1.50 per day for all the time required to comply herewith.
  25. Private Acts of 1917, Chapter 96, declared that in Overton, Marion, and Rutherford counties, the

- superintendent of public instruction in those counties would be elected by the qualified voters of each of a four year term, starting at the next general August election, the successful candidates assuming office on January 1, following. This act shall not affect the term or the duties of the current superintendents in these counties.
26. Private Acts of 1917, Chapter 555, stated that in Overton and Pickett counties, both identified by the use of the 1910 Federal Census tabulations, the superintendent of public instruction, as soon as they have been told for certain the amount of school funds to be used in their county, shall call a meeting of the district school directors at the county seat to advise them of the same. The directors shall meet no later than May 20 of each year and shall select one of their number to sit on the board of education. Another meeting shall be called before July 1 to agree on a price to be paid to teachers and the number of school days to be taught, which shall be equal and uniform throughout the county. Directors shall serve for two years and employ the teachers for their districts. The compensation for members of the school board shall be \$1.50 a day. Two, or more, schools may be consolidated under certain conditions and the directors shall be responsible to see that each school has seats, desks, stoves, and such, and is in good repair.
  27. Private Acts of 1917, Chapter 670, also formed the Bethsaida School District out of Overton and Pickett counties describing the area involved and naming the farms in the description of James Smith, W. R. Holbert, Liz Smith, B. McDonald, John King, Peter Bosher, J. P. Crouch, Dock Winningham, Mira Hill, Mack Holt, and C. C. Jones. This district will be given its pro rata share of school funds according to the scholastic population. The superintendent of schools in each county shall jointly appoint a three man board of school directors, no more than two from one county to serve until their successors can be elected at the next election which shall be held at the schoolhouse on the fourth Saturday in may before the general August election in 1918. The directors shall count the school population jointly and in each county. This act was repealed by Private Acts of 1925, Chapter 573.
  28. Private Acts of 1917, Chapter 707, is a duplicate of Private Acts of 1917, Chapter 670, above, which created the Bethsaida School District in Overton and Pickett counties.
  29. Private Acts of 1921, Chapter 831, formed an independent special school district in Overton County in the tenth and eleventh civil districts which included the farms and lands of A. G. Narrad, J. B. McDonald's cove farm, J. F. Brown, J. L. Allison, Mrs. Etta McDonald, and M. J. Hancock; on the south side were included the farms of A. H. Copeland, A. C. Norris, Sol Norris, J. C. Vaughn, F. M. Ledford, Shirley Ledford, Mrs. Nora Winton, and J. K. P. Ledbetter; on the east were the farms of Cynthia McDonald, T. M. Ledford, Porter Carlock, J. A. McDonald, the Alfred Mill tract, and Will McDonald; on the west side were the farms of J. E. Winton, J. F. Deck, J. M. Sells, F. S. Crabtree, G. S. Beasley, Thomas Williamson, and E. H. Copeland. The act named E. A. Copeland, A. H. Copeland, and C. P. Neely as directors of the district.
  30. Private Acts of 1925, Chapter 703, created special school district No. 15, a common and high school district, in Overton County, which would begin at Chester Ogletree's farm, running east with the line of the twelfth and sixth civil district to Mrs. Tim Lynn's farm; north to Sarah Gunnell's farm; northwest with the line of the twelfth and seventh civil district to J. K. Hunter's farm; thence with the twelfth and fourth civil district line to K. Maynard's farm; thence south to include the lands of Thad Kyce, Kelly Hunter, and Anyous Gunnell's farm; thence on a direct line to Dave Davis' farm; thence on a direct line to Reece Ogletree's farm; and thence back to the beginning. The act appoints Billy Davis, C. P. Hunter, and W. O. Miller as school directors until the election in August, 1926, who would exercise all the power and authority of other school directors. The directors must choose a chairman and secretary, and submit a scholastic census for the school district.
  31. Private Acts of 1931, Chapter 507, recited in the preamble that the board of education of Overton County entered into contracts with Gracie Dean White, and Annie Lizzie Clark, whereby the two of them would teach school in 1927 and 1928, which they both did and the services of each one were accepted by the county board of education. The contracts were later declared to be invalid because neither of them possessed a certificate of qualification to teach from the state, and the board of education has refused to pay them. This act validates, ratifies, confirms, and legalizes the above mentioned contracts and authorizes the board of education to compensate these teachers with interest. The general assembly was compelled to pass this act over the governor's veto on June 24, 1931.
  32. Private Acts of 1935, Chapter 30, amended Private Acts of 1933, Chapter 136, by inserting a new Section 2 and Section 3. Section 2 provided for seven school districts in the county instead of five, the same being composed of whole civil districts. Section 3 provided for a seven member board of education instead of a five member board whose members would be elected by popular vote in

their respective districts. Section 5 was changed to place the duties of the superintendent of public instruction under the general law by removing the requirement that he employ the personnel recommended by the school board in Livingston for that school system.

33. Private Acts of 1943, Chapter 382, amended Private Acts of 1933, Chapter 136, as amended by Private Acts of 1935, Chapter 30, by striking out Section 2 of the Private Acts of 1935, Chapter 30, and adding a provision that the superintendent of public instruction of Overton County would have the same duties as are fixed by general law and render to the county the same services, except that it shall be the duty of the superintendent to accept the assistance of the board of education of the city of Livingston insofar as that assistance relates to the selection of teachers and other officers of the schools, and the county board of education is hereby required and directed to employ only those teachers and officers in Livingston as are recommended by the board. Provided, in all cases, that those recommended meet the standards and qualifications of the county and state, it being the intention of this act to permit the town of Livingston to select its teachers and school officials. This act names Bedford H. Hosman, Clarence Davis, and James Kuykendall as the Livingston Board of Education. This act was entirely repealed by Private Acts of 1951, Chapter 437, below.
34. Private Acts of 1951, Chapter 328, amended Private Acts of 1933, Chapter 136, Section 6, by setting the compensation of the members of the Overton County Board of Education at \$7.50 per day instead of \$3.00 and raising the top amount to be paid to a member in one year from \$75.00 to \$150.00.
35. Private Acts of 1951, Chapter 437, expressly and entirely repeals Private Acts of 1943, Chapter 382.

## Chapter VII - Elections

### Districts - Reapportionment

### Acts of 1909 Chapter 583

**SECTION 1.** That there be, and are hereby, created and established for and within the county of Overton, in the State of Tennessee, in lieu of the eleven districts therein as now laid out, five civil districts only.

**SEC. 2.** That the boundary of said civil districts shall be as follows:

First: The Fifth and Eighth Districts as now established are hereby abolished, and the territory embraced within said civil districts is hereby attached to and shall become a part of the territory now embraced within the Sixth District, all of which shall be known as the "First District."

Second: The Second Civil District as now established shall remain, and the First District as now established is hereby abolished, and the territory embraced within said First Civil District is hereby attached to and shall become a part of said Second District.

Third: The Third Civil District as now established shall remain, and the Fourth District as now established is hereby abolished, and the territory embraced within said civil district is hereby attached to and shall become a part of said Third District.

Fourth: The Seventh District as now established shall remain, and the Eleventh District as now established is hereby abolished, and the territory embraced within said civil district is hereby attached to and shall become a part of said Seventh District, both of which shall be called the "Fourth Civil District."

Fifth: The Ninth District as now established shall be abolished, and the Tenth District as now established shall remain, and the territory embraced within said Tenth District is hereby attached to and shall become a part of said Ninth District, which shall be known as the "Fifth District."

**SEC. 3.** That the said districts as hereby established shall so remain until changed by an Act of the General Assembly of the State of Tennessee.

**SEC. 4.** That the County Court is hereby empowered to locate the various voting precincts of the First, Second, Third, Fourth, and Fifth Civil Districts of Overton County as herein set out, and that all offices of Justice of the Peace and Constables of the Fifth, Eighth, Fourth, Eleventh, and Tenth Districts of Overton County are hereby declared vacant and abolished, and that the Justices of the Peace, whose offices are abolished by this Act, will turn over all of their books and records of office to the next nearest Justice of the Peace.

**SEC. 5.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed.

**SEC. 6.** That this Act take effect from and after January 1st, 1910, the public welfare requiring it.

Passed: April 29, 1909.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Overton County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1857-58, Chapter 37, established the thirteenth district in Overton County.
2. Private Acts of 1897, Chapter 170, formed a civil district in Overton County within the third civil district in order to elect a justice of the peace and a constable which district would include the town of Hillham. A brief description of the area involved is contained in the act and the sheriff is directed to hold the election after giving the notice required by law of his intention to do so.
3. Private Acts of 1947, Chapter 810, divided Overton County into four civil districts. The first civil district had in it the first, fifth, and eighth old civil district, the second had the second, third, and fourth civil districts; the third had the sixth, seventh, and twelfth districts, and the fourth had ninth, tenth, and eleventh districts. This act was repealed by the one below. The election precincts would remain as they were then constituted until changed by law and the justices of the peace and constables elected hereunder would take office on September 1, 1948, following the general August election.
4. Private Acts of 1949, Chapter 216, expressly repealed Private Acts of 1947, Chapter 810, above, which set up new civil districts in Overton County.

### **Elections**

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

1. Acts of 1807, Chapter 68, stated that the sheriff of Overton County would open and hold two separate elections, one at the house of Thomas Patete, so as to include the main fork of the Roaring River from the Jackson County line to the head thereof, and the other so as to include Captain James Matthew's Company. The third section made it lawful for all inhabitants lying east and south of the road leading from Overton County Courthouse to Wayne Courthouse so as to include the people in Donelson's Cove on the east fork of the Obed River, to meet and vote at the place where Henery Ragan now lives.
2. Acts of 1807, Chapter 74, set up five electoral districts in Tennessee for the election of the president and vice-president of the United States. The fourth district was composed of the counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren and Franklin.
3. Acts of 1809, Second Session, Chapter 1, provided for a congressman to serve for two years, and for one each to represent the district of Washington and Hamilton, and one more to represent the combined districts of Mero, Winchester and Robertson.
4. Acts of 1812, Second Session, Chapter 5, set up eight presidential electoral districts in Tennessee. The fourth district contained the counties of Rhea, Bledsoe, Overton, White, Warren, Franklin and Jackson. The polls would be counted at Sparta in White County.
5. Acts of 1812, Second Session, Chapter 27, provided for six U.S. congressional districts in the state. The third district had in it the counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren and Franklin.
6. Acts of 1812, Second Session, Chapter 57, apportioned Tennessee for the general assembly. Of the twenty senators, Overton, Jackson, and White counties would elect one jointly, and court the polls at Sparta. Overton County would elect one of the forty representatives alone.
7. Acts of 1813, Chapter 12, was the legal authority to hold a separate election at the mills of John Thurmons on the Wolf River, which had formerly been held at the house of Henry Reagins, and another voting place was authorized at the house of William Donnelson on the Obed's River. Votes would be counted at each place and return made at Monroe.
8. Acts of 1815, Chapter 8, stated that the precinct election now held at the mills of John Thurman in Overton County shall hereafter be held at the house of Levy Hinds in said county, all laws to the

contrary notwithstanding.

9. Acts of 1815, Chapter 31, fixed eight presidential electoral districts for Tennessee each containing the same counties mentioned in the Acts of 1812, Second Session, Chapter 5, Item 4.
10. Acts of 1817, Chapter 81, established a voting precinct in Overton County at the house of Joseph French where all constitutional elections would be held.
11. Public Acts of 1819, Chapter 5, organized several election precincts in different counties, including one at Hillhouse in Davidson County. Section 19, of this same act repealed the law setting up an election precinct at the house of Thomas Poteet, in Overton County (Acts of 1807, Chapter 68, Item 1), and a precinct election would be held at the house of Joseph Anderson in the future.
12. Public Acts of 1819, Chapter 69, provided for 20 senators and 40 representatives in the general assembly of the state. The counties of Jackson, White and Overton would jointly elect one senator while Overton County had one representative alone.
13. Public Acts of 1822, Second Session, Chapter 1, divided the state into nine U. S. congressional districts assigning the counties of Franklin, Warren, White, Overton and Jackson to the fourth district.
14. Public Acts of 1823, Chapter 47, set up eleven electoral districts in Tennessee for the election of the president and vice-president. The fifth district contained the counties of Franklin, Warren, White, Overton and Jackson, counting the polls at Sparta in White County.
15. Public Acts of 1824, Chapter 1, also set up eleven presidential electoral districts in Tennessee but this time assigned the counties of Franklin, Warren, White, Overton, Fentress and Jackson to the fifth district.
16. Public Acts of 1826, Chapter 3, apportioned the general assembly. Overton, White, Jackson and Fentress counties would join together to elect one senator, and Overton and Jackson would elect one representative between them.
17. Public Acts of 1827, Chapter 17, organized the state into eleven presidential electoral districts and again allocated the counties of Franklin, Warren, White, Overton, Fentress and Jackson to the fifth district.
18. Private Acts of 1827, Chapter 22, provided that, in all elections where the sheriff is compelled to make return and compare the polls at White Plains for the counties of White, Overton, Fentress and Jackson, they would hereafter meet at the house of William Burton in Jackson County to compare the said polls.
19. Private Acts of 1829-30, Chapter 129, made it the duty of the returning officers of the elections in the counties of White, Overton, Fentress and Jackson, to meet and compare the votes received for other than local offices at the house of Henry Matlock in Overton County.
20. Public Acts of 1832, Chapter 4, produced 13 U. S. congressional districts in Tennessee. The fifth congressional district was made up of the counties of Fentress, White, Overton, Warren and Franklin.
21. Public Acts of 1832, Chapter 9, set up fifteen presidential electoral districts of which the sixth district comprised the counties of Jackson, White, Overton, Fentress and Warren.
22. Public Acts of 1833, Chapter 71, reorganized the state for the general assembly allowing the counties of White, Overton, Fentress and Jackson to elect one of the twenty senators jointly, comparing the polls at McKinney's in Overton County, and permitting Overton and Jackson counties to share one of the forty representatives.
23. Public Acts of 1833, Chapter 76, provided for the election of 60 delegates to the upcoming constitutional convention who would be elected on the first Thursday and Friday in March and meet in Nashville on the third Monday in May to amend, revise, and alter the old constitution or to write a new one. Overton County and Fentress County would compose one district and elect one delegate.
24. Public Acts of 1835-36, Chapter 39, prescribed for fifteen presidential electoral districts to cover the state, assigning the counties of Jackson, White, Overton, Fentress and Warren to the sixth district.
25. Acts of 1842, Extra Session, Chapter 1, set up 25 senatorial districts and 50 representative districts in the general assembly of the state. Overton County would elect one representative alone and share the ninth senatorial district with Fentress, Jackson, White and Van Buren counties. Polls in the senatorial district would be counted at White Plains in Putnam County.
26. Acts of 1842, Extra Session, Chapter 7, came up with eleven U. S. congressional districts in the

- state. The fourth U. S. District was made up of the counties of Fentress, Overton, Jackson, White, DeKalb, Van Buren, Warren and Coffee.
27. Acts of 1851-52, Chapter 196, reduced the U. S. congressional districts in the state to ten. The second district was composed of the counties of Grainger, Claiborne, Campbell, Scott, Anderson, Knox, Morgan, Fentress and Overton.
  28. Acts of 1851-52, Chapter 197, reapportioned Tennessee for the general assembly. Overton County would continue to elect one representative alone, and would share one of the senatorial districts with Morgan, Scott and Fentress counties, counting the votes at Jamestown in Fentress County.
  29. Public Acts of 1865, Chapter 34, established eight U. S. congressional districts in Tennessee. The third congressional district contained the counties of Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb and Fentress.
  30. Public Acts of 1871, Chapter 146, divided the state into districts for the general assembly. Morgan, Fentress and Overton counties would elect one representative jointly. The fifth senatorial district had in it the counties of Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White and Cumberland.
  31. Acts of 1872, Extra Session, Chapter 7, created nine U. S. congressional districts in the state. The second congressional district was composed of the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon and Clay.
  32. Public Acts of 1873, Chapter 27, again reapportioned the state for ten U. S. congressional districts, probably based on the 1870 census. The fourth U. S. congressional district was made up of the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner and Robertson.
  33. Public Acts of 1881, Extra Session, Chapter 6, apportioned the general assembly of Tennessee based on the results of the 1880 Federal Census. The eleventh senatorial district had in it the counties of Jackson, Macon, Clay, Pickett, Fentress and Overton, and Overton would have one representative alone.
  34. Public Acts of 1882, Second Session, Chapter 27, produced ten U. S. congressional districts in the state and assigned the counties of Sumner, Wilson, Macon, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress and Pickett to the fourth.
  35. Public Acts of 1891, Chapter 131, produced ten U.S. congressional districts in the state. The counties of Summer, Wilson, Macon, Trousdale, Smith, Clay, Jackson, Overton, Putnam, Fentress, Pickett, Cumberland, and Rhea composed the fourth congressional district in the state.
  36. Acts of 1891, Extra Session, Chapter 10, was the next apportionment of Tennessee for the general assembly. The counties of Clay, Overton, Pickett and Fentress would join together to elect one representative and the tenth senatorial district was composed of the counties of Scott, Fentress, Pickett, Overton, Clay, Jackson and Putnam.
  37. Public Acts of 1899, Chapter 236, amended Private Acts of 1897, Chapter 170, Section 2, as the same related to Hillhouse so as to provide that all legal and qualified voters of the third civil district of Overton County are authorized to vote and participate in the election of the justice of the peace and constable for the town of Hillham in Overton County.
  38. Public Acts of 1901, Chapter 109, organized Tennessee into ten U. S. congressional districts. The fourth district contained the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland and Rhea.
  39. Public Acts of 1901, Chapter 122, divided the state into districts for the general assembly based on the 1900 Federal Census. The tenth state senatorial district was made up of the counties of Morgan, Fentress, Pickett, Clay, Overton, Putnam and Jackson. Overton County had one representative and would share a floater with Fentress, Pickett and Clay.
  40. Private Acts of 1901, Chapter 286, set up a district for the election of one justice of the peace and one constable which district would include the town of Allons in the fourth and sixth civil districts of Overton County. The district was a one mile radius from the town of Allons school house as a center. The election commission would hold the election immediately for the two offices.
  41. Private Acts of 1913, Chapter 247, amended Public Acts of 1890, Extra Session, Chapter 24, in Section 2, a general statewide election law, as it was amended by Public Acts of 1897, Chapter 17, which applied to counties over 50,000 in population, and to cities over 2,500 in population, so

as to exempt Overton County, and all the cities therein which might be affected, from its provisions.

42. Private Acts of 1925, Chapter 639, amended Public Acts of 1901, Chapter 122, in Section 7, so as to add Putnam County to the twelfth district and to provide that the twelfth floterial district shall be composed of the counties of Fentress, Pickett, Overton, Clay and Putnam.
43. Private Acts of 1945, Chapter 94, amended Private Acts of 1897, Chapter 170 by redefining the boundary line of the third civil district of Overton County.
44. Private Acts of 1949, Chapter 557, stated that the compensation of those persons acting as precinct elective officials, as Judges, officers, clerks and registrars in elections in Overton County would be paid \$3.00 per day for one day only, and the same rate would apply in both primary and general elections.

## Chapter VIII - Health

### Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Public Acts of 1895, Chapter 187, detached Overton County and Putnam County from the eastern division of the Tennessee Hospital for the Insane, and placed them in the middle division.
2. Private Acts of 1921, Chapter 785, made it lawful in Overton County, identified by the use of the 1920 Federal Census enumeration, for any person who has owned and operated a drug store for not less than five consecutive years and who can and will furnish sworn statements by three reputable physicians as to fitness and qualification to compound drugs and medicine, to operate and conduct a drug business and to prepare pharmaceutical preparations in Overton County. Anyone proposing to do so must take out a license but the said license shall be issued as provided by law upon proper proof of the above conditions and the payment of the regular charge for it.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1971 Chapter 164

**SECTION 1.** This Act shall be known and may be cited as the Overton County Road Superintendent Act.

**SECTION 2.** In Overton County the management of the county road system, including bridges shall be the responsibility of a county road superintendent, to be elected by the qualified voters of the county at the August, 1972 general election and every four (4) years thereafter, who shall take office on September 1, following his election and serve for a term of four (4) years or until his successor is elected and qualified. An incumbent road superintendent shall be eligible to succeed himself in office without limitation as to the number of terms. The county road superintendent in Overton County shall receive an annual salary of ten thousand dollars (\$10,000.00) which shall be paid in the same manner as other county officials are paid. In addition to such salary a pick-up truck shall be furnished and maintained by the county for road work. If a vacancy occurs in the office of county road superintendent, the governing body of the county shall elect some qualified person to serve until the next general election, at which time a successor shall be chosen by the qualified voters of the county, to serve the remainder of the term.

Before entering into the discharge of his duties, the county road superintendent shall take and subscribe to an oath in writing before the county court clerk that he will perform with fidelity the duties of the office as county road superintendent and shall enter into a bond in the amount of fifty thousand dollars (\$50,000.00), payable to the county and conditioned upon the faithful discharge of his duties and for the accounting of all money and property coming into his hands in his official capacity. The premium for one-half (½) the bond shall be paid out of the county road fund in the same manner as other disbursements are made.

**SECTION 3.** The county road superintendent shall be the head of the county highway department and shall have general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road system of the county, including bridges but not including such roads and bridges as are under the supervision of the state department of highways.

The county road superintendent is authorized to determine the total number of employees of the county



highway department, to determine personnel policies, hours of work, to establish job classifications. The compensation established by the superintendent shall be in keeping with the compensation paid for similar services in the county and surrounding area.

The county road superintendent shall keep such books and records as necessary to carry out the operations of the county road department or as directed by the governing body of the county.

The superintendent shall have supervision and control over and shall be responsible for all machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. He shall make or cause to be made a complete inventory of such machinery, equipment, tools, supplies and materials and file copies of the same with the county governing body and the comptroller of the treasury within thirty (30) days after assuming office. All machinery, equipment and tools shall be plainly marked as the property of the county road department and each item shall be numbered and the number entered on the inventory filed by the county road superintendent.

Thereafter, on or before September 15 of each year he shall again make and file a complete inventory with the county governing body and the comptroller of the treasury. It is the duty of the county judge or chairman or other chief executive officer and/or the governing body of the county to examine the inventories for compliance with this provision and upon his or the governing bodies determination that the inventory does not comply with the requirements of this provision, he shall notify the county director of accounts, who shall cause to be withheld from the superintendent any funds due him until the county and county court chairman or other chief executive officer of the county is able to certify compliance with this provision to the governing body.

**SECTION 4.** Budgeting for the county road department and the purchasing or contracting for all machinery, equipment, tools, supplies and materials and contractual services for the county road department and the fiscal procedures concerning same shall all be performed in accordance with provisions of chapters 12, 13 and 14 of Title 5 of the Tennessee Code Annotated.

Sales of obsolete, surplus or unusable machinery, equipment, tools, supplies and materials shall be made in accordance with the provisions of chapter 14 of Title 5 of the Tennessee Code Annotated.

All funds received by or for the county for road or highway purposes shall be promptly deposited with the county trustee and shall be expended only upon disbursement warrant drawn upon the trustee, all in accordance with the provisions of chapter 13 of Title 5 of the Tennessee Code Annotated.

Expenditures of funds for the operation of the county road department shall be made within the limits of the approved budget and the appropriations made for the department, in accordance with the provisions of chapters 12, 13 and 14 of Title 5 of the Tennessee Code Annotated.

**SECTION 5.** The superintendent shall not authorize or permit the trucks or road equipment, the rock, crushed stone or any other road materials to be used for any private use or for the use of any individual for private purposes and his failure to see that this provision is enforced is a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), in the discretion of the court. Any employee of the county road department who shall use any truck or any other road equipment of any rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any rock, crushed stone or any road material shall be used to work private roads or for private purposes of owners thereof. The use of any trucks or any other road material of the county highway department for other than official county road purposes, as herein provided, is a misdemeanor, punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), in the discretion of the court. Each separate use of the same for other than official county road purposes shall constitute a separate offense and be subject to a separate fine. Any person whose property is improved by having road material placed thereon in violation of this provision shall be liable to suit for the value of such improvement and a penalty equal to one hundred per cent (100%) of the value of such improvement, to any person who shall sue therefor for the benefit of the county and himself, the value of the improvements to go to the county and the penalty to go to the person suing.

**SECTION 6.** Neither the county road superintendent nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, or equipment for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials; nor shall the county road superintendent or any employee thereof accept or receive, either directly or indirectly, from any person, firm, partnership or association to whom any contract may be awarded, any rebate, gift or other thing in money or thing of value or any promise, obligation or contract for future reward or compensation.

Violation of any of the provisions of this section constitutes official misconduct and a misdemeanor in office, punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00) and removal from office as provided by Section 8-2701 et seq., Tennessee Code Annotated.

**SECTION 7.** The county roads superintendent shall submit quarterly to the governing body of the county a full and complete report of its activities, showing in such reports the amount of road funds on hand at the beginning of the quarter, together with an itemized statement of all amounts expended for labor, machinery, supplies, materials, equipment and other expenditures during such quarter, together with the complete list of all articles purchased, the number of laborers employed and the amount paid each, the number of miles of road constructed, repaired or maintained, or fraction thereof, and where located. If the report is rejected by the governing body by resolution setting forth the grounds of rejection, the power of the county road superintendent to obligate appropriated funds shall be suspended until the county judge or chairman or other chief executive officer of the county shall certify to the governing body that the grounds of rejection in the resolution have been met and complied with.

**SECTION 8.** No person shall be eligible for employment in any capacity on the roads of said county or by the county road superintendent or draw any compensation in any manner whatsoever from the road funds of said county, who is related, within the second degree, either by blood or marriage, to the county road superintendent.

**SECTION 9.** Chapter 439 of the Private Acts of 1935 is amended by deleting Section 5 in its entirety.

**SECTION 10.** 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 Acts which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

**SECTION 11.** This Act shall have no effect unless it is approved by a majority of the voters voting in an election to be held for the purpose of approving or rejecting it. Within sixty (60) days after this Act becomes a law, the county election commissioners of Overton County shall call an election for Overton County to be held not less than thirty (30) days nor more than ninety (90) days from the date of the call. The ballots used in the election shall have printed on them the title of this Act and voters shall vote for or against its approval. The votes cast in the election shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the cases of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of approval or rejection of this Act. The cost of the election shall be paid by Overton County.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 11, it shall be effective upon becoming a law, the public welfare requiring it. For the purpose of electing the Road Superintendent it shall be effective upon being approved as provided in Section 11. For all other purposes it shall be effective on September 1, 1972.

PASSED: May 18, 1971.

## Highways and Roads - Historical Notes

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

1. Acts of 1812, Second Session, Chapter 74, enabled Moses Fisk to open a road from Hilham to the highlands south of Roaring River crossing below its junction with Spring Creek. This road must be twenty feet wide and fourteen feet kept clear at all times. The county court of Overton County, when notified by the said Fisk that the road is open, shall appoint three householders to inspect the road. If the road is approved and accepted, Fisk and his heirs have the right to manage the same for twenty years and to charge the tolls scheduled in the act. The road shall further be subject to all the rules and regulations concerning turnpikes.
2. Acts of 1817, Chapter 191, was the legal authority for Moses Fisk to open a road from the town of Hilham to the north bank of Obed's River, crossing anywhere above William Dales place. When notified by Fisk that the road is open the county court shall appoint three householders to inspect it. Fisk was then further obliged to keep the road in good maintenance and repair and as long as it was in that condition, Fisk could charge users the tolls specified in the act.
3. Private Acts of 1820, Second Session, Chapter 25, permitted Madison M'Laurine, of Overton County to open and keep up a turnpike road from Pilot Knob, near Joseph Batis, in Overton

County to the Kentucky line for a period of ten years. The road must be at least eighteen feet wide and clear of obstructions at all times. Valentine Matlock and Lewis Huddleston were appointed commissioners to inspect the road and approve, or disapprove it. The road would be inspected now, and quarterly hereafter. As long as the road met the construction and maintenance criteria, the proprietors could charge tolls at the approved rate, but no higher.

4. Public Acts of 1821, Chapter 6, directed the county courts of all the Tennessee counties to classify and index the roads in their respective counties. They were to be classified according to width and surfacing materials. The classes ranged from stage roads to one wide enough to permit passage of two horses and riders on the way to mill or market. This is probably the first overall road law in Tennessee and was a step towards the coordinated transportation network every county and state must have to thrive and be competitive.
5. Private Acts of 1822, Second Session, Chapter 164, legally allowed George Helms, and Adam Helms to open and maintain a turnpike road from the head of Wolf's River in Piles Turnpike Road, thence the most direct route on Cumberland Mountain towards Jacksonborough, so as to intersect the road leading from Jacksonborough to Somerset in Kentucky. The road must meet all the specifications outlined in the act, and the tolls charged must be in line with the schedule mentioned. Henry Frances and John Royall are named commissioners to examine the road and report its condition quarterly to the Overton County Quarterly Court. The commissioners would be paid \$1.00 per day for each day spent in discharging their responsibilities under this act.
6. Private Acts of 1827, Chapter 18, recited that it appeared to the general assembly that Madison M'Laurine had transferred his rights to the turnpike road leading from the foot of Pilot's Knob near Joseph Bates, in Overton County, to the Kentucky line, near Captain Elliotts, to James A. Whiteside, and, it further appears to the general assembly, that Whiteside desires to relinquish his rights in the said road to the State of Tennessee, therefore, it is hereby declared that this road is placed upon the same footing and under the same rules and regulations as are all the other state public roads.
7. Private Acts of 1831, Chapter 226, gave Moses Fisk the right to change the course of the road he is to build so that, instead of running from Hillham to the north bank of the Obed's River, striking the same at or above the mouth of Mill Creek. He shall have one year to complete this road and two years to finish the road previously authorized, but the citizens of Overton and Jackson counties living where the said road runs or within five miles of the toll gate shall pass along free of charge.
8. Private Acts of 1832, Chapter 13, appointed Patrick Potts as commissioner for the turnpike leading through Overton and White counties, of which Robert Officer is proprietor, in the place of Enoch Murphy, the former commissioner of the road. Potts would have the same authority and compensation as his predecessors.
9. Private Acts of 1835-36, Chapter 62, declared that the Wolf River from its mouth up to the ford near James Seatons was navigable and any persons placing obstructions therein shall be deemed guilty of a misdemeanor and shall be subject to fines of \$50.00 for each offense, one-half to the person prosecuting and one-half to the county.
10. Acts of 1837-38, Chapter 289, Section 12, was the enabling legislation for John Kennedy, Joseph Goodbar, George Christian, T. T. Thomas, C. Lin, Abraham Haytor, Adam Winnington, George W. Hill, Creed Huddleston, William Turner, Senator William C. Heard, E. N. Cullom, Edmond Gibbons, Martin Marchbanks, John B. Murphrey, Thomas Butler, and John McDonald, Sr., all of Overton County, and five more people from Fentress County, serving as commissioners to open books and subscribe stock to the Livingston Turnpike Company in an amount not to exceed \$50,000. The company would be incorporated and the stockholders would meet in Livingston and elect directors. A road would be constructed over the best route from Zacharias Sullins in Jackson County to Livingston, meeting all the specifications contained in the act.
11. Acts of 1843-44, Chapter 121, authorized Patrick Pool, Joseph Bates, Thompson R. Grace, Edward N. Cullom, George M. Hill, and Adam Winningham, as commissioners, to accept subscriptions of stock up to \$25,000 to make and build a turnpike road from Livingston, in Overton County, by Monroe, crossing Obeds River at or near Stephen Garrets, to the Kentucky line as soon as a sufficient amount of stock is subscribed, the commissioners may call a meeting and elect five directors. The specifications for the road must be met as they are expressed in the act, and tolls not to exceed those mentioned in this law may be charged. The company has five years to complete the road and then will have a franchise for the next thirty years following but citizens of Overton County may pass the toll gates free.
12. Acts of 1847-48, Chapter 19, was the legal authority for Burton Marchbanks, of Overton County,

- to open a turnpike road from the Nashville Turnpike road, at or near Smithville, in DeKalb County, running in the direction of White Plains in Jackson County to the Jackson County line. The right of way must be cleared and the road constructed at a width of thirty feet except on a hill where it must be at least sixteen feet wide. Commissioners from DeKalb and Jackson counties will inspect the road whose tools shall be charged according to the schedule set out in this law.
13. Acts of 1849-50, Chapter 157, stated that all persons owning land along the banks of the Wolf River in Overton County may build mill dams across the river, if the wings are properly constructed and navigation is not obstructed. The act sets up a standard to be applied to see when the stream has been obstructed.
  14. Acts of 1855-56, Chapter 129, Section 7, incorporated H. P. Hoover and Tillman Rogers, as a Turnpike Company to be called the West Fork Turnpike Company, of Overton County, which would build a road with one tollgate from Adam Winningham's (or one mile thereof) in Overton County up the west fork of the Obeds River by way of the H. P. Hoover residence to Hurricane Creek and to intersect Taylor's Road in the direction of Crossville.
  15. Private Acts of 1859-60, Chapter 28, Section 2, incorporated John Lea, Richard Copeland, Richard Poteete, Burton Marchbanks, Edward Draper, Charles Burton, Holland Denton, Stephen Burton, Benjamin Gardenhire, and James Gilliland, as the Livingston and Caney Fork Turnpike Company which would build a road from the Kentucky line near Livingston to the Caney Fork River in the direction of Nashville. When the amount of \$10,000 in stock was subscribed, a meeting would be called to organize the company.
  16. Private Acts of 1869-70, Chapter 43, Section 2, granted the Cincinnati and Southern Railroad the right to enter upon land in several counties listed in the act, including Overton County, for the purpose of examining and selecting rights of way for the railroad which will commence at a selected point in Chattanooga and proceed to the northern boundary of the State of Tennessee. A copy of any surveys, maps, plats, or any other documents, shall be filed with the county court clerk of the affected county.
  17. Public Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The county court would pick one road commissioner to serve two years from each road district in the county, the road districts being co-extensive with the civil districts. He would be sworn, bonded, and in charge of all roads, bridges, hands, tools and materials used in his area, and be compensated at the rate of \$1.00 per day but for no more than 10 days each year. county court would set the days road hands would work, from five to eight, and fix the price on a day's labor. The county court could levy a special road tax of two cents per \$100.00 property for each day the road hands were required to work. Road commissioners would name and supervise road overseers in their districts who would supervise a road section, work the same number of compulsory days as anyone else and then be paid up to \$6.00 a year for extra work. All males outside of cities between ages of 21 and 45 must work on the roads. The commissioners would dispose of petitions to open, close, or change a road, would classify and index the roads in their districts, and would see that roads met the basic specification set up in the act. This act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
  18. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 17, in several minor particulars but primarily in the procedures to be followed in the exercise of eminent domain to acquire rights of way.
  19. Private Acts of 1913, Extra Session, Chapter 107, was the first comprehensive road law for Overton County and provided that the county court would elect one road commissioner from each civil district and one from the town of Livingston to two year terms. The court was given the authority to levy a tax from 15 cents to 30 cents per \$100 property valuation to keep up the county roads, and to buy machinery, equipment, and materials. The trustee would collect this tax as any other tax. The county court would also set the days each male between 21 and 45, outside cities, would work on the roads, ranging from five to eight, or pay \$1.00 a day in commutation fees. The commissioner would appoint overseers and assign them to road sections to be worked, sending each a sufficient number of road hands to accomplish the same. Overseers would serve one year in their jobs. The county court clerk would furnish books upon which the commissioners would keep records. Failure to comply could result in fines and forfeiture of the office. The commissioners must lay out and classify all the roads in the district, and furnish tools to improve, or repair, them. Overseers must serve the same number of days as others and be paid only for the extra days. commissioners would be paid \$1.50 for each day devoted to the work.
  20. Private Acts of 1915, Chapter 632, amended Private Acts of 1913, Extra Session, Chapter 107.

Section 7 was amended to make the commissioners liable to settle with the county judge, or chairman, at the end of the year. Section 8 was rewritten to make it a misdemeanor for the road commissioner to fail to perform his duties for which he may be fined, and the commissioners were required to place mile boards at proper places on all first and second class roads for which a fine could also be levied when not done. The county court may elect at any time a road superintendent who must be an engineer and who would be paid by order of the court after performing suitably the responsibilities delegated to him by the court. Each road overseer shall cause all his roads to be inspected annually and remove all timber and obstructions from them and drain the road in a proper fashion.

21. Private Acts of 1917, Chapter 641, amended Private Acts of 1913, Extra Session Chapter 107, by removing the authority of the county court to elect a road commission for the city of Livingston, and by adding a provision that the county court shall have no authority, or jurisdiction, over the streets, or alleys, and the road taxes collected in the city but the mayor and aldermen of that city shall hereafter be responsible for the care and keeping of those passageways, and for working and repairing them.
22. Private Acts of 1935, Chapter 439, was the next general road law for Overton County with a general repealing clause. This act provided for a three member county highway commission of good taxpaying citizens who would be elected by the voters of each road district for a two year term, taking office on September 1 following the general August election beginning in 1936, whose duty it was and would be to provide an efficient road system. The first road district was composed of civil districts 1, 2, 3 and 5; the third road district had in it civil districts 8, 9, 10 and 11; and the second road district was made up of civil districts 6, 12, 4 and 7. The chairman of the commission, selected by the others, would be the agent of the county in its transactions with the State of Tennessee. The commission may employ a road superintendent at no more than \$100.00 a month who shall perform the duties of the former road commissioners and such others as this commission may designate. The commission may also employ any other people it considers necessary to carry on the work. The commission is in overall charge of roads, bridges, tools, equipment, and materials while the superintendent was granted all the authority of the district road commissioners. The commissioners would be paid a salary fixed by the county court plus expenses when the expenses were justified and supported. The commission would make an annual report to the quarterly court in January of each year upon which the road program for that year would be based.
23. Private Acts of 1939, Chapter 191, stated that no person in Overton County, identified by the use of the 1930 Federal Census for the county, shall be compelled to perform manual labor upon the roads of the county or to commute by paying money in lieu thereof. This act was repealed by the one following below.
24. Private Acts of 1941, Chapter 374, expressly repealed Private Acts of 1939, Chapter 191, which released the citizens of Overton County from manual compulsory road labor or the payment of commutation fees.
25. Private Acts of 1941, Chapter 376, amended Private Acts of 1935, Chapter 439, Section 3, by adding at the end of that section a provision that all funds coming into the hands of the county highway commission shall be distributed and expended in the different districts set out in the act in an equitable manner based on the existing mileage, or the contemplated mileage in the districts.
26. Private Acts of 1947, Chapter 809, amended Private Acts of 1935, Chapter 439, Section 2, by adding the provision that in Overton County at the regular August election in 1948, the qualified voters of the county shall elect from the county at large two members of the said county commission who shall be road commissioners and hold office for 2 years from September 1, 1948. The quarterly court could fill vacancies for the unexpired term.
27. Private Acts of 1949, Chapter 219, specifically repealed Private Acts of 1947, Chapter 809, in its entirety but the repeal would not become effective until the terms of the commissioners elected pursuant thereto expire

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### Jails and Prisoners

The following acts once affected jails and prisoners in Overton County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. 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.
2. Private Acts of 1921, Chapter 443, declared that hereafter in Overton County all the jailors who shall furnish good, wholesome, water, diet, and bedding shall be entitled to receive \$1.40 per day for keeping and feeding each prisoner in his jail; further, that the jailors shall be entitled to receive for each prisoner the said \$1.40 per day, and \$1.00 for each turnkey, provided there are but two turnkeys for each prisoner.
3. Private Acts of 1947, Chapter 368, stated that the jailor in Overton County would receive as compensation for boarding prisoners \$1.00 per prisoner per day.
4. Public Acts of 1981, Chapter 60, made it a legal necessity that the trial judge, the district attorney general, and the sheriff, or their successors in office, who had a part, or were otherwise involved, in the prosecution of a prison inmate who was not qualified for and seeking to obtain a parole, be notified of the time and place of the parole hearing so that they might attend whenever necessary or desirable.

### **Militia**

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

1. Acts of 1809, First Session, Chapter 89, Section 3, organized the militia into units across the entire state. The militia of the counties of Overton, White, Warren and Franklin shall constitute the seventh brigade and the meeting to select a brigadier general for the brigade shall take place in White County.
2. Acts of 1815, Chapter 119, was a reenactment of the militia law for the state. The act contained the tables of organization for the militia which was composed of free men and indentured servants between the ages of 18 and 45. Overton County had the thirty-fifth regiment with each regiment being composed of two battalions of companies which had at least 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant and one ensign.
3. Public Acts of 1819, Chapter 68, an act to revise and amend the militia laws of Tennessee. Overton County was composed of the thirty-fifth regiment and was to hold regimental muster on the third Saturday of September.
4. Public Acts of 1825, Chapter 69, reorganized the militia of the state. Overton County had the thirty-fifth regiment in the eighth brigade and their regimental muster was scheduled to occur on the third Saturday in September annually. This act was virtually a revision of the entire state military code.
5. Private Acts of 1829-30, Chapter 50, assigned the militia of Overton County as the thirtyfifth and the one hundred-fourteenth regiments. The thirty-fifth regiment shall hold a regimental muster on the third Saturday in September each year and the one hundred-fourteenth regiment shall muster on the second Saturday in September.
6. Private Acts of 1831, Chapter 32, Section 9, established a separate brigade composed of the counties of Overton, Fentress and Jackson, known as the fifteenth brigade of the Tennessee Militia. It was the duty of the major general of the second division to issue a writ of election for the purpose of electing a brigadier general for the said brigade.
7. Public Acts of 1835-36, Chapter 21, divided the militia of Tennessee into companies, battalions, regiments, brigades and divisions, and to prescribe the times and modes of electing officers. Overton County was composed of the forty-seventh and forty-eighth regiment.
8. Acts of 1837-38, Chapter 157, Section 3, set up the county drills for every militia unit in Tennessee. The act required members to report fully equipped to be trained at least three hours each day by the officers. Overton County was assigned to the eighth brigade with Fentress, White, and Jackson counties and the county muster was scheduled to take place on the Monday and Tuesday after the first Friday and Saturday in September. Regimental musters would take place in October following. The eighth brigade would meet on the first Thursday in October. Other organizational and disciplinary rules were stipulated in the act.
9. Acts of 1839-40, Chapter 56, Section 9, stated that the militia of Overton County shall compose

the forty-seventh and forty-eighth regiments. Furthermore, the counties of Fentress, Overton, White and Jackson formed the tenth brigade of the State of Tennessee.

10. Public Acts of 1861, Chapter 1, was a statewide militia law which assigned Overton County as the forty-seventh and forty-eighth regiment.
11. Public Acts of 1861, Extra Session, Chapter 8, was an act passed shortly before the start of the Civil War set the muster and drill dates for the forty-eighth regiment of Overton County on Wednesday after the third Friday in September and the forty-seventh regiment would meet and drill on the next day, Thursday.

### **Sheriff**

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

1. Acts of 1809, First Session, Chapter 61, stated that it appeared to the general assembly that John B. Cross, sheriff, and collector of the state tax in Overton County, Tennessee, was charged with \$13.33, the state tax on 10664 acres of land, which land did not sell for want of bidders thereon and which Cross paid out of his own funds. Cross was charged in similar fashion with \$74.73 in tax money for the same reasons which amount he also paid. This act directs that \$88.06 be paid to Cross as a reimbursement on taxes improperly collected from him.
2. Acts of 1813, Chapter 123, recited that William Gore, the sheriff and tax collector of Overton County neglected to report certain lands on which the taxes for 1812 were due but he has since paid the tax himself to the trustee of Overton County. This act allows Gore to report these lands and be given credit for the tax already paid, and he may personally retain the amount he had paid.
3. Private Acts of 1820, Second Session, Chapter 117, declared that after the passage of this act, the sheriffs of Overton and White counties have the authority to advertise all lands to be sold under execution in the Sparta Gazette and the ranger of these counties may also advertise the sale of strays in the same newspaper. This did not preclude either the sheriff, or ranger, from advertising in the Nashville newspapers.
4. Private Acts of 1821, Chapter 180, provided that the sheriff of Overton County and White County were required to advertise all lands to be sold under execution or for taxes in some newspaper printed in the town of Sparta. Rangers in both counties will likewise do so when they propose to sell strays.

## Chapter XI - Taxation

### Assessor of Property

### Private Acts of 1957 Chapter 29

**SECTION 1.** That in counties of this State with a population of not less than 17,500, nor more than 17,600, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court shall appropriate to the County Tax Assessor a sum not in excess of \$3,200 in any calendar year for the purpose of providing him clerical and stenographic assistance and to be expended for his expenses in the discharge of his official duty, provided, however, that no more than \$300 per month shall be expended by him in any calendar month.

Such sums as he may expend for the above mentioned purposes shall be paid to him upon his sworn statement that he has expended the sums set out, which sworn statement shall be filed in the office of the County Court Clerk in counties to which this Act applies, shall be a public record and open for inspection by any taxpayer.

As amended by: Private Acts of 1961, Chapter 142

**SECTION 2.** That this Act shall be void and of no effect unless within 6 months from the date of final legislative action thereon the same shall be approved and ratified by a two-thirds majority of the Quarterly County Court.

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

Passed: February 4, 1957.

# Hotel/Motel Tax

## Private Acts of 2012 Chapter 57

### **SECTION 1.** For the purposes of this act:

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

**SECTION 2.** The legislative body of Overton County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount of five percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 3.** (a) Such tax shall be added by each operator to each invoice prepared by the operators for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8.

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

**SECTION 4.** 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 5.**

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

(b) For the purpose of compensating the county clerk for collecting the tax, the clerk shall be allowed two percent (2%) of the amount of the tax remitted by the operators.

(c) The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to, and received by, such clerk for the privilege tax



authorized by this act.

#### **SECTION 6.**

(a) The county clerk shall be responsible for the collection of the tax and shall place the proceeds of such tax in accounts as designated in Section 10 for the purposes stated therein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

(b) 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, including the form for such reports.

#### **SECTION 7.**

(a) Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

**SECTION 8.** It shall be the duty of every operator liable for the collection and payment to the county of any tax levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the clerk shall have the right to inspect at all reasonable times. **SECTION 9.**

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

(b) Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, 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 pursuant to this act. The provisions of Tennessee Code Annotated, Section 67-1-707 shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under the authority of this act shall be refunded by the clerk.

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

**SECTION 10.** The proceeds of the tax authorized by this act shall be deposited in the county fund to be used solely for the purpose of tourism development specified by resolutions of the county legislative body.

**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 Overton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body 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, it shall take effect on the first day of the month following approval as provided in Section 13.

Passed: April 16, 2012.

## Litigation Tax

### Private Acts of 1967-68 Chapter 200

**SECTION 1.** There is hereby imposed a litigation tax in the amount of two dollars (\$2.00) in each case, upon all original civil and criminal suits or cases filed in the Circuit, Criminal, Chancery, Probate, and General Sessions Courts in Overton County, said tax to be collected by the clerks of the respective courts and taxed as a part of the costs in each case.

**SECTION 2.** When any part of the costs in any case has been collected, after the payment of any state litigation tax accrued thereon, the amount necessary for the payment of the tax hereby imposed shall be next applied thereto, before applying any of the amount collected as costs to any other funds or items of costs.

**SECTION 3.** On or before the last day of each month the clerks of the respective courts shall pay to the county trustee all amounts collected hereunder in the preceding calendar month.

**SECTION 4.** The one-half ( $\frac{1}{2}$ ) the sum paid the said trustee shall be earmarked for the office of sheriff and paid over to the office of sheriff upon the fifteenth (15th) day of the month, or as soon as is practicable. The proceeds so paid shall be utilized by the sheriff for the operation of his department, including compensation for deputies. The sheriff shall account for the sums so paid in the same manner as he is required to account for other monies coming into his hands.

**SECTION 5.** One-half ( $\frac{1}{2}$ ) of the sum paid the said trustee shall be placed in a fund designated the "Overton County Capital Improvement Fund" and the monies in said fund shall be expended only for improvements on the jail, improvements on the courthouse and grounds, and construction of a new courthouse, either for one or more purposes or for all; provided however, that any portion of monies in said fund or future monies going to said fund may be pledged for the payment of bonds to be issued for any of said purposes; provided further, that the monies herein designated to the "Overton County Capital Improvement Fund" shall be expended or pledged for any of the purposes hereinabove designated upon the adoption of a resolution of the quarterly county court to that effect and with the approval of the county judge.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the quarterly county court of Overton County at its next regular meeting following the passage of this act. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court of Overton County and certified by him to the secretary of state.

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

Passed: May 24, 1967.

## Wheel Tax

### Private Acts of 1973 Chapter 119

**SECTION 1.** For the privilege of operating upon the public streets, roads and highways of Overton County, except state maintained roads and highways, any motor driven vehicle required to be registered under the provisions of Chapter 4 of Title 59, Tennessee Code Annotated, there is levied a special county privilege tax of ten dollars (\$10.00) on each such motor driven vehicle. The tax shall be in addition to all other taxes and fees required to be paid on motor driven vehicles.

**SECTION 2.** The tax shall apply to and shall be paid on each motor driven vehicle, the owner of which resides in Overton County. The tax shall be collected by the county court clerk of Overton County at the same time he collects the state registration fee for the operation of motor driven vehicles. The clerk shall not issue to any resident of Overton County a state registration tag for any motor driven vehicle unless at the same time such residents shall pay for such vehicle the tax imposed by this act.

**SECTION 3.** Payment of the tax imposed by this act shall be evidenced by license in the form of a sticker or decal to be affixed to the windshield or other appropriate prominent part of the motor driven vehicle for which the tax is paid. The design of the sticker or decal shall be determined by the county court clerk and

procured by him and the expense incident thereto shall be paid out of the general funds of the county.

**SECTION 4.** Payment of the tax imposed herein shall entitle the owner of a motor driven vehicle for which the tax is paid to operate such vehicle from the first day of April of each year through the thirty-first day of March of the next succeeding year. In the case of motor vehicles registered after April 1 for any reason, a proportionate reduction shall be made in the amount of the tax as is made in the case of the state registration fees for motor vehicles registered after April 1.

**SECTION 5.** For his services in collecting the tax and issuing the licenses provided for herein, the county court clerk is entitled to a fee of fifty cents (50¢) to be collected from the person registering any motor driven vehicle to which this act applies, such fee to be in addition to the tax levied hereby and in addition to the clerks fee for issuing state registration tags.

**SECTION 6.** If any motor driven vehicle for which the privilege tax has been paid is sold, traded or otherwise changes ownership, or if the vehicle should be demolished or destroyed, or if the sticker or decal is defaced so as to be illegible, or is lost, upon proper application made to the clerk showing the circumstances stated to be true, the clerk shall issue a replacement license upon receipt of a privilege tax of fifty cents (50¢) plus a clerk's fee of fifty cents (50¢).

**SECTION 7.** The county court clerk shall faithfully account for, make proper reports of, and pay over to the county trustee at monthly intervals all funds paid to and received by him for the privilege tax imposed herein. The proceeds of the tax, when collected and paid into the hands of the trustee, shall be deposited in the general funds of the county and shall be used for the county's school building or expansion program.

**SECTION 8.** If any person violates this Act by operating upon the public streets, roads or highways of Overton County a motor driven vehicle required to be registered and for which the privilege tax imposed herein has not been paid, he shall be fined, upon conviction thereof, not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

**SECTION 9.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the Act should be approved. The election may be held in connection with and at the same time as any other county wide referendum, but in no event later than December 1, 1973. The ballots used in the election shall have printed on them the title or substance of this Act and voters shall vote for or against its approval. The votes cast in the election shall be canvassed and the results proclaimed by the Overton County Commissioners of elections and certified by them to the Secretary of State as provided by law in the case of general elections. The qualification of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act. The costs of the election shall be paid by Overton County.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall become effective only upon being approved as provided in Section 9 and the tax levied herein shall apply to the motor vehicle registration year commencing April 1, 1974 and thereafter.

Passed: April 27, 1973.

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

1. Private Acts of 1911, Chapter 316, fixed the compensation of the tax assessor in Overton County at \$600 per annum which would be paid out of the county treasury on the warrant of the county judge, chairman, on the first day of July of each year. This act was repealed in Item 3.
2. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, by fixing the annual salary of the tax assessor in several of the counties in Tennessee, all of which were identified by the use of the 1910 Federal Census figures. In Overton County the annual salary of the tax assessor was fixed at \$600.
3. Private Acts of 1915, Chapter 604, expressly repealed Private Acts of 1911, Chapter 316, which set the annual salary of the Overton County Tax Assessor.
4. Private Acts of 1917, Chapter 30, reestablished the annual salary of the tax assessors of Overton County at \$600, payable monthly on the last day of each month, which amount would be paid out

of the regular county funds, on the warrant of the county judge, or chairman.

5. Private Acts of 1917, Chapter 176, duplicated Private Acts of 1917, Chapter 30.
6. Private Acts of 1919, Chapter 175, amended Private Acts of 1917, Chapter 30, by raising the annual salary of the tax assessor of Overton County from \$600 to \$750 and by requiring the county judge, or chairman, to issue warrants to that effect in the amount of \$375 on January 1, and July 1 of each year.
7. Private Acts of 1921, Chapter 409, amended Private Acts of 1919, Chapter 175, by increasing the annual salary of the tax assessor of Overton County from \$750 to \$1,500, payable on the warrant of the county judge on the first Monday in April and on the first Monday in July.
8. Private Acts of 1925, Chapter 718, raised the compensation of the tax assessor of Overton County from \$1,500 to \$1,800 a year, as is now provided by law.
9. Private Acts of 1931, Chapter 599, amended Private Acts of 1925, Chapter 718, Section 1, by reducing the annual salary of the tax assessor of Overton County from \$1,800 to \$1,200, payable at the times specified, but on the reduced amount.
10. Private Acts of 1943, Chapter 396, fixed the annual compensation of the tax assessor of Overton County at \$2,000 a year which would become effective immediately upon the passage of this act.
11. Private Acts of 1961, Chapter 142, amended Private Acts of 1957, Chapter 29, by raising the amount of money available for clerical assistance to the tax assessor from \$2,000 to \$3,200, and the limitation upon the monthly rate of expenditure from \$200 to \$300.

### **Taxation**

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

1. Private Acts of 1826, Chapter 146, recited that it had been reported to the general assembly that George Gordon conveyed 5,000 acres of land to the town of Monroe and the said land is not being claimed by adverse title and the commissioners of Monroe have commenced suit to regain the same, this act authorized the county court of Overton County to lay a tax for the purpose of defraying the expenses of the said suit and of employing counsel to pursue the same. VPublic Acts of 1870-71, Chapter 50, authorized the several counties and incorporated cities of the state to impose taxes for county and municipal purposes in the following manner, (1) that all taxable property shall be taxed according to its value on principles established for state taxation, and (2) that the credit of no county, or city, may be loaned to any person, firm, or corporation, unless a majority of the members of the quarterly court first agreed to submit the issue to a referendum vote of the people where the same must pass by a three fourth's majority. Overton County was one of the 26 counties which exempted themselves from the requirement of the three-fourths vote, for the next ten years, substituting a majority vote for it.
2. Private Acts of 1967-68, Chapter 135, established a litigation tax in Overton County at \$1, as part of the costs in all civil and criminal cases in the general sessions court, criminal court, probate court, circuit court, and chancery court. The clerks of the respective courts would collect the tax and pay the same into the "Capital Improvement Fund" to be devoted to improvements for the jail, the courthouse and grounds, and to the construction of a new courthouse or to a combination of the above. Expenditures from the fund would be made by the county judge upon specific authorization by the county court. The right to issue bonds to implement and support the projects and purposes was also granted to the court. This act was not acted upon by the quarterly court and therefore never became an effective law.

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