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# Chapter I - Administration

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

Sincerely,

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# 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 spirituous 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, count the votes, and certify the results to the county court. The sheriff would appoint three competent people to be the judges of the election. Jonathan Douglas, Enoch Murfree, Adam Gardenhire, John Mongold, and Alfred C. Robertson were to be acting at Monroe's election, and Allen McDonald, Joel T. Coffee, James Dennis, Patrick Pool, and Thomas Fancher were to be judges at Livingston. William Turner, William Snodgrass, William Hayter, Thomas Simpson, and Samuel C. Mitchell, were assigned to Holman's, while William Donaldson, James McMillan, James Peak, John Goodpasture, and Joseph Goobar, were to be in charge at Holford's.
10. Public Acts of 1832, Chapter 16, established a board of internal improvements for Overton County, composed of Alvin Cullom, William Dale, and George W. Sevier, and also one for Jackson County which had on it, Bailey Butler and Henry Sadler. The prior act which established a joint board for Overton and Jackson counties was repealed.

11. Private Acts of 1833, Chapter 21, allowed George Wallace to hawk and peddle goods, wares, and merchandise in Overton County without having to buy a license to do so.
12. Private Acts of 1833, Chapter 60, recited that Isaac Atkins, while in the employment of the internal improvement commissioners of Overton County, was severely injured while clearing out the obstructions to navigation in Obed's River. This act was the legal authority for the commissioners to pay to Isaac Atkins any sum of money not to exceed \$75.00 out of the internal improvement funds in their hands, not otherwise committed to be expended, and Atkins' receipt for the same shall be a sufficient voucher.
13. Public Acts of 1869-70, Chapter 49, repealed all the laws which created county commissions instead of county judges and quarterly courts and restored all laws which had been repealed by them.
14. Private Acts of 1911, Chapter 440, was the authority for the county court of Overton County to elect female citizens of the state and county in which they reside to be notaries public, said females being declared eligible hereunder. Any one being elected as such must make the same bond and take the same oath as are now prescribed by law for notaries public in Tennessee.
15. Private Acts of 1915, Chapter 333, was the Abutting Property Owners Law for Overton County. The owners of property were allowed to enclose by fence all the unused streets and alleys for agricultural purposes and to protect and prevent the same from becoming unsightly, until such time as the citizens of the town might require the use of the land, streets, and alleys which would then be opened by order of the county court. No statute of limitations shall run in favor of anyone enclosing said alleys, or streets, so as to bestow any right, title, or interest upon them.
16. Private Acts of 1917, Chapter 179, made it the duty of the county judge, or chairman, of Overton County, identified by the 1910 Federal Census figures, to advertise in some newspaper for bidders on being depository for county funds coming in the rest of the year. The bidder making the highest bid on payment of interest will be the repository of the county funds on making satisfactory bond. Upon being notified of the successful bidder, the trustee shall deposit all funds on hand and as they accrue with the bidder's firm. The bidder shall submit a monthly report on the status of the funds and the amount of interest paid and earned. The failure of the repository to honor any check, or pro\*per warrant, shall terminate the contract immediately. If bids result in a tie, the judge may allow raised sealed bids to be submitted.
17. Private Acts of 1937, Chapter 41, emancipated Pearl Clark Parrott from all the disabilities of her minority. She is the wife of Hatton Parrott, and will henceforth be capable of transacting business and doing all other things an adult may lawfully do.
18. Private Acts of 1979, Chapter 108, was an act which required the purchase of a building permit or installation permit by certain persons for certain purposes related to real property located in Overton County which forbid the provision of utility services to the property until compliance and which provided other penalties for violations. This act was not acted on by the Overton County Legislative Body making the act ineffective and void.

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