



Court Historical Society **NEWSLETTER** *Eastern District of Tennessee*



NOVEMBER 2014

He Declined a Supreme Court Seat

The judge who served the Eastern and Middle Districts of Tennessee from 1880 to 1895 had earlier been offered a seat on the U.S. Supreme Court but turned it down.

The following story about that rejection is told in the book "The South Rejects A Prophet--The Life of Senator David M. Key." [The time is the late 1870s.]

Lizzie's passion for her husband's political career was deeper than his own, and her sanguine ambition was to see him advance, not to the Governor's Mansion in Nashville, but to the black robes of a Supreme Court justice. **President Hayes** had offered Key an appointment, she told her children, but "Papa" had declined. He said he could not have retained his large family in Washington on the low salary of a Supreme Court justice.

Key and his wife had nine children. The annual salary of an associate justice in the 1870s was \$10,000.

Key did, however, accept the appointment as Postmaster General in 1877, but rather than relocate his family from Chattanooga to Washington, he and his wife and some of their children stayed at the Ebbitt House, described in the book as a grand and elegant hotel.

Author **David M. Abshire** described the Keys' house hunt in Washington this way:

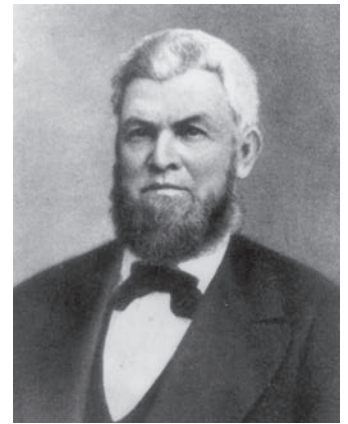
Key and Lizzie set out to inspect houses for rent in Washington, Lizzie declaring that it had to be a large one to accommodate their big family. The least expensive suitably furnished large house they could find was available for \$2,500 a year; it would cost the new postmaster general one-third of his salary. This would hardly leave enough money for Lizzie to keep house in the style of a cabinet member's wife. So they resigned themselves to keeping part of their family in Chattanooga and to staying on at the Ebbitt.

Author Abshire described Key's return to Chattanooga in 1880 after he received the judicial appointment:

Chattanooga--its green walls of mountains and ridges, its newly paved streets with several new, fancy electric lights,

and its elegant new hotel--never looked so homey to D.M. Key as in the late summer of 1880, when the family returned after he had resigned as postmaster general. ... Although without the prestige of a Supreme Court appointment, the new job allowed Judge Key to return to his native town and its fields and mountains, to try cases in the court in Chattanooga and in other courts of the area.

[The annual salary of a district judge in 1880 ranged from \$3,500 to \$5,000, depending on the state in which he served. The salaries were unified at \$5,000 in 1891.--EDITOR]



Judge Key

Key retired in 1895 and remained in Chattanooga until his death in 1900. In his earlier years, Key lived in a number of places in East Tennessee. He was born in 1824 in Greene County. The family moved in 1826 to Monroe County, where Key was raised. After graduating from Hiwassee College in 1850, Key read law to be admitted to the bar, and he practiced in Madisonville and later in Kingston. He settled in Chattanooga in 1853.

Nashville Lawyers Neese and Overall; What Brought Them to Greeneville?

How did two Nashville lawyers--**Thomas (Jack) Overall** and **Charles G. Neese**--who were friends and regular lunch partners in the capital city, end up in federal judicial posts in Greeneville in the 1960s?

Here's the story, told by Overall in an oral history interview conducted by the Court Historical Society in 1991.

Overall moved from Nashville to Greeneville in 1960, but it was the tobacco business, not the law profession, that brought him to East Tennessee.

A year later, Neese moved to Greeneville upon receiving the appointment by **President Kennedy** as U.S. District Judge--the first

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federal judgeship to be based in Greeneville.

The district judgeship was new, created in May 1961, and Neese, who had been deeply involved in Democratic politics and had served on the staff of Democratic U.S. Senator Estes Kefauver, was successful in getting the appointment, one that he desperately wanted. He first received a recess appointment in November 1961 and a formal appointment in early 1962.

Now back to Overall. How did the tobacco business figure in Overall's move to Greeneville?

Overall explained. He had met his wife, **Frances Bernard**, a native of Greeneville, while she was in graduate school at Vanderbilt University, where she received a Ph.D. They married and lived in Nashville for several years. "Her parents were in the tobacco business here [Greeneville] a long time, and they became incapacitated. I was practicing law in Nashville, but somebody had to come up here and look after the tobacco business. This was in 1960."

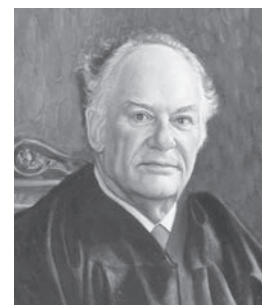
Overall said he opened a law office in front of one of the tobacco warehouses the family owned. His friendship with Neese had been revived, of course, now that both men were living in Greeneville. In 1964, Neese asked Overall to serve as a U.S. Commissioner, a position that preceded the post of U.S. Magistrate. "I didn't want the job, but I eventually accepted it," Overall said. He continued

to practice law and serve as part-time commissioner and later as part-time magistrate judge until 1985, when the job of magistrate judge in Greeneville was upgraded to full time. It was at that time that Overall retired from the post.

It's worth noting here that another lawyer and lunch partner and political friend of Neese's and Overall's in Nashville--**Kenneth Harwell**--like Neese, received a federal appointment. In June 1961, Harwell was appointed by President Kennedy as the U.S. Attorney for the Middle District of Tennessee. He served from 1961 to 1964.

Overall died in 2004, Neese died in 1989, and Harwell died in 1975.

[Overall's oral history is one of 42 on file in the Court Historical Society's archives in the Howard H. Baker Jr. U.S. Courthouse in Knoxville. In addition, there are 19 summaries of recollections of certain events and people involving the Eastern District that have been provided over time to the Society by various individuals--EDITOR.]



Judge Neese



Magistrate Judge Overall

Photo Courtesy of
Tusculum College Archives

The Longest Service, Period

The man who has paid bills for bankrupt individuals longer than any other person in the history of the Eastern District of Tennessee--in fact, longer than any other person in the country--is retiring.



Kenneth Still

Kenneth Still of Chattanooga serves as the Chapter 13 Trustee for the Southern and Winchester Divisions, a post he has held since January 1, 1968.

"I have announced my retirement as of December 31. Forty-seven years as a trustee and 82 years old just seems to indicate that it is time," he told us recently. "A couple of years ago, I attained the dubious honor of becoming the longest-serving active trustee in the U.S."

Still was selected for the job of trustee by U.S. District Judge **Frank W. Wilson**, Chattanooga, but, technically, was appointed by **Byron Pope**, who was the Referee in Bankruptcy in Chattanooga at the time. Back then, the Bankruptcy Court came under the supervision of the District Court.

The enactment of the Bankruptcy Reform Act of 1978 brought about a number of changes in the Bankruptcy Court, and among these was the transferring of the duties of the trustees to the Justice Department. Chapter 13 and Chapter 7 trustees in the Eastern District of Tennessee serve under **Assistant Trustee Kim Swafford**, Chattanooga. The Trustee for this region is **Sam Crocker**, Memphis.

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