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# Court System - Historical Notes

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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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# Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Carter County, but are no longer operative.

1. Private Acts of 1833, Chapter 194, provided that the County Courts of Carter and Lincoln Counties allow jurors summoned to attend Court more than one day, not less than 50¢ and no more than \$1 per day for their services. A majority of the Justices had to be present. The County Courts were authorized to levy and collect a tax to pay the jurors, if necessary. Talesmen jurors would be paid the same amount and may secure a certificate free from the County Court Clerk showing the number of days served.
2. Private Acts of 1925, Chapter 622, created a three-member Board of Jury Commissioners for Carter County who would be appointed by the Circuit Judge of the Judicial Circuit. The Commissioners would serve for a two year term and were either householders or free holders of the County, having resided in the County at least three years. The Commissioners were required to take an oath of office, after which they would select a Chairman of the Board. The Clerk of the Circuit Court was to serve as Secretary of the Board. The Board would make a list of 500 typewritten names on separate slips of paper and placed in a box under lock and key. The box would only be opened at a regular meeting with at least two Board members present. When the number of available jurors dropped under 100 persons, the list would be replenished. Ten days before the court term, at least 24 names would be drawn from the box by a child under the age of ten years. Summons were issued by the Circuit Court Clerk for the 24 persons selected and the Sheriff was given the duty of serving the summons. Commissioners were to receive \$2 per day while actually engaged in the performance of their duty.
3. Private Acts of 1943, Chapter 464, amended Private Acts of 1925, Chapter 622, above, by increasing the membership on the Board of Jury Commissioners from three to five, increasing the rate of pay from \$2 to \$5 for each day actually worked and by granting a mileage allowance of four cents per mile actually travelled to and from meetings in the performance of their duties.
4. Private Acts of 1951, Chapter 299, allowed jurors serving in Carter County to receive the sum of \$6 per day each as compensation for their services.

## **Circuit Court - Clerk**

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

1. Acts of 1855-56, Chapter 213, required the Secretary of State to furnish the Circuit Court Clerk of Carter County with one volume of Seventh and one volume of Eleventh Humphreys' of the Supreme Court of Tennessee decisions provided copies were available without having a reprinting.
2. Private Acts of 1859-60, Chapter 128, directed the Secretary of State to furnish the Circuit Court Clerk of Carter County with Meigs' Report, Sixth Yerger and Eleventh Humphreys. Their originals were destroyed by fire. The Treasurer of the State was to issue a warrant to the Secretary of State for an amount sufficient to pay for the same. This providing there were copies then in print.
3. Acts of 1903, Chapter 255, set forth a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Carter County would be paid \$750 annually. The Clerk was required to file an annual, sworn, itemized statement with the County Judge or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference. If the fees exceeded the salary, the Clerk could retain the surplus.
4. Private Acts of 1915, Chapter 216, fixed compensation of the Circuit Court Clerk in Carter County at \$1,000 per year, provided the Clerk filed a sworn, itemized statement in January with the County Judge or Chairman, showing the total amount of fees collected by his office. If the fees were less than the salary, the County would pay the Clerk the difference. If the fees exceeded the salary, the Clerk was allowed to retain the surplus.
5. Private Acts of 1919, Chapter 184, provided that the Circuit Court Clerk, the Sheriff and the Tax Assessor of Carter County would draw salaries to be paid in quarterly installments by the County Trustee upon the warrant of the Chairman of the Quarterly County Court.
6. Private Acts of 1925, Chapter 160, increased the salary of the Circuit Court Clerk of Carter County to \$1,500 annually, provided the Clerk filed a sworn, itemized statement quarterly with the

County Chairman showing the total amount of fees collected. If the fees were less than the salary, the County would make up the difference. The Clerk was also authorized to employ help during the regular or special terms of court for which he could pay a reasonable amount, but if the fees of the office exceeded all this, the excess must be turned into the County Treasury.

7. Private Acts of 1929, Chapter 708, amended Private Acts of 1925, Chapter 160, above, by increasing the annual salary of the Carter County Circuit Court Clerk to \$2,000 per year and the Clerk was allowed \$15 per week for clerical hire, provided the Circuit Court Clerk file a quarterly itemized statement sworn to the County Judge or Chairman, showing a statement of fees paid to their offices.
8. Private Acts of 1931, Chapter 585, amended Private Acts of 1929, Chapter 708, above, by authorizing the Carter County Court to levy a special tax not to exceed five cents per \$100 property valuation in order to provide the revenue to pay for the salary increase heretofore given to the Circuit Court Clerk.

### **Criminal Court**

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

1. Public Acts of 1867-68, Chapter 49, created a Judicial Criminal District in Johnson, Carter, Washington, Sullivan, Hawkins, Green, Cocke, Jefferson, Grainger and Claiborne. The Sheriffs were authorized to hold an election to elect a Judge for the Criminal District in Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock Counties on the third Thursday in April 1868.
2. Public Acts of 1867-68, Chapter 90, created a Judicial Criminal District composed of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne Counties. These courts had exclusive jurisdiction of all cases the State was a party or which required the services of an Attorney-General. Carter County held Criminal Court on the second Monday of February, June and October. County Courts had the responsibility of appointing jurors and the Attorney-General was entitled to sit in on Criminal Courts in this County and to prosecute the pleas of the State. The Judge for Criminal Court was to be elected on the first Thursday of February, 1868 with the same salary as other Judges in the State. Judges had the power to interchange with Judges in Circuit or Criminal Court Judges or Chancellors of the State.
3. Public Acts of 1869-70, Chapter 11, repealed Public Acts of 1867-68, Chapter 90, above, by abolishing the Criminal Court. The Circuit Courts of said counties were to succeed to all the duties and powers of the Criminal Court. The Clerk of Criminal Court was to make out a State Docket of all the cases remaining in Criminal Court and place the same on the dockets of the Circuit Court of said counties.
4. Private Acts of 1925, Chapter 131, created a Criminal Court for Greene, Washington, Unicoi, Carter and Sullivan Counties. This court was to be known as the Criminal Court for the First Judicial Circuit. Carter County was to hold Criminal Court on the second Monday in February, June and October at Elizabethton. The Criminal Court was to have general common law and statutory jurisdiction, original and appellate, over all criminal cases arising in these Counties. The Circuit Court Clerks were to serve as the Clerks of the Criminal Court and receive the same compensation. The Attorney-General for the First Judicial Circuit was to serve as the Attorney-General in Criminal Court. The Criminal Court Judge appointed by the Governor was to have the same power and jurisdiction as other Judges in the State. The County Courts, Jury Commissions or other authorized authority had the duty of appointing juries for the Criminal Court.
5. Public Acts of 1957, Chapter 47, amended T.C.A. 16-2-201 by changing the time Criminal Court was held for the First Judicial Circuit. Carter County held court at Elizabethton on the second Monday in February, June and October.
6. Public Acts of 1957, Chapter 54, established a Criminal Court in Tennessee for the Counties of Washington, Unicoi, Carter and Johnson, to be known as the "Criminal Court of the First Judicial Circuit of Tennessee." This Criminal Court was to have general, common law and statutory jurisdiction, original and appellate, over all criminal cases arising in those counties. The Governor was empowered to appoint a Judge of the Criminal Court until there was a regular election, at which time qualified voters would elect a Judge. The Criminal Court Judge had the same powers and salary then provided by law to other Criminal Judges, Circuit Judges and Chancellors in the State. The District Attorney General for the First Judicial Circuit for Tennessee was to perform the duties of the District Attorney General in the Criminal Court. The Circuit Court Clerks and Sheriffs served as the Clerks and Sheriffs of the Criminal Court, performing the same duties and receiving the same compensation then provided by law. The act made it lawful for the Judge of the

Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in their counties, including the same county or said Circuit at the same time. County Courts, Jury Commissioners or other duly authorized officials in these counties would appoint and select juries for the Criminal Court. The jurors were to have the same pay, qualifications, powers and privileges as then provided by law to all Grand Juries and all other juries of courts. All criminal cases pending in Circuit Courts would be transferred to the Criminal Court. The Clerks of the Circuit Courts were to transfer all criminal proceedings and papers from the Circuit Court to the Criminal Court. In Carter County, Criminal Court was held on the second Monday in February, June and October at Elizabethton.

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

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

1. Public Acts of 1967, Chapter 135, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided a salary of \$4,800 per year for the Assistant Attorney General.
2. Public Acts of 1971, Chapter 196, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.
3. Public Acts of 1976, Chapter 545, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The additional Assistant Attorney General was to be appointed by the District Attorney General to serve at his pleasure. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.

#### **District Attorney General - Secretary**

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

1. Public Acts of 1971, Chapter 324, created the position of Secretary to the District Attorney General for the First Judicial Circuit. The District Attorney General had the authority to appoint the Secretary. The Secretary was to perform the duties assigned by the Attorney General. The compensation for the Secretary was set at \$4,800 per year.

#### **Juvenile Court**

The following acts once affecting juvenile courts in Carter County are included herein for reference purposes.

1. Private Acts of 1937, Chapter 893, established a Juvenile Court for Carter County in Elizabethton. The Judge was granted the same powers of Judges of Court of Record. The Court had original and exclusive jurisdiction of all matters involving juveniles and had concurrent jurisdiction in the Circuit and Chancery Courts of Carter County. The Judge was authorized to designate one or more truant officers as probation officers. These officers had the duty of serving citations and other process of the Court, take children into custody, detain and present them to the Court for disposition. The probation officers also had the duty to investigate cases involving children brought before the Court. They were not allowed additional compensation in addition to their compensation as truant officers. The Judge could also appoint as many assistant probation officers as he deemed necessary. Such assistants were to serve without compensation. The act designated what constituted a dependent and delinquent child. Any reputable person having knowledge or information of such a child could file with the court a petition causing the child to be brought within the provisions of this act. The court could on its own motion, direct any probation officer to bring any child before him. In proper cases the Court could bind cases involving crimes and misdemeanors to the Criminal Court, fine them or commit them to the entry of order. The appeal could be taken by the child, parents of the child or by guardians upon the execution of an appeal bond in the amount of \$250. The County Court provided suitable places of detention for children waiting on trial and final disposition by the Court.
2. Private Acts of 1939, Chapter 336, amended Private Acts of 1937, Chapter 893, Section 2, above, permitting the Quarterly County Court to set the salary of the Juvenile Judge but placed a ceiling of \$100 a month on it, with Carter County and Elizabethton sharing it equally.
3. Private Acts of 1949, Chapter 692, amended Private Acts of 1937, Chapter 893, Section 2, as

- amended by Private Acts of 1939, Chapter 336, both above, by allowing the Juvenile Judge traveling expenses in the amount of \$600 per year or less, to be paid by warrant from the County Judge or Chairman, provided the Juvenile Judge file a sworn, itemized statement of the expense with the County Judge or Chairman.
4. Private Acts of 1972, Chapter 424, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, Chapter 692, all above, by deleting the second paragraph of Section 2 and inserting a new provision which set the salary of the Juvenile Judge at \$7,500 per annum, to be paid equally by Carter County and Elizabethton. This act was rejected by the Carter County Quarterly Court and never became an effective law.
  5. Private Acts of 1974, Chapter 331, attempted to amend Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by transferring the duties of the Juvenile Court Judge to the General Sessions Court Judge of Carter County and by reenacting the paragraph granting an expense account of \$600 per year for the Juvenile Judge. It was the expressed intention of this law to abolish the Juvenile Court of Carter County and vest the duties, functions, responsibilities, powers, and jurisdiction of the said court into the General Sessions Court. This act was rejected by the Quarterly County Court of Carter County and never became effective law.
  6. Private Acts of 1977, Chapter 75, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by setting the annual salary of the Judge of the Juvenile Court between \$4,800 and \$6,500 per year, payable monthly and shared equally by the City of Elizabethton and Carter County.

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