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Chapter V - Court System

Dear Reader:

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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.

Sincerely,

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Chapter V - Court System

Chancery Court

Clerk and Master

Private Acts of 1951 Chapter 608

SECTION 1. That Chapter 285, Acts of 1909, which was an Act to amend Section 2 of Chapter 4 of the Acts of 1891 by creating the Office of Clerk and Master of the Chancery Court at Johnson City, Tennessee, be, and the same is hereby repealed; thereby leaving in full effect Section 2 of Chapter 4, Acts of 1891, as originally enacted, to-wit:

“That the Clerk and Master of the Chancery Court of Washington County shall be the Clerk and Master of said Chancery Court at Johnson City, and shall by himself or deputy keep an office in the Town of Johnson City for the transaction of all business pertaining to said Court, and shall keep the same open constantly, and shall have and exercise all powers, and receive all fees and emoluments that are common to all Clerk and Masters of the Chancery Courts of this State.”

SEC. 2. That all laws or parts of laws in conflict herewith be, and the same are hereby repealed; and that this Act take effect from and after its passage thereof, the public welfare requiring it.

Passed: March 15, 1951.

Circuit Court

Senior Judge on First Circuit

Private Acts of 1968 Chapter 449

COMPILER'S NOTE: The provisions of this public act have special effect for those counties mentioned therein and are not found in Tennessee Code Annotated.

SECTION 1. A Second Judge to be designated as "Judge, Part II" for the First Judicial Circuit is established.

SECTION 2. The Judge in the said Circuit senior in point of service shall be the Senior Judge. If neither Judge is senior in terms of length of service, then the Judge who received the greater number of votes in the last election for the office shall be considered the Senior Judge.

SECTION 3. The Senior Judge of the said circuit shall designate which cases will be tried by each Judge.

SECTION 4. The provisions of this Act shall not apply to the criminal division of the said circuit, and the Criminal Judge of the said circuit shall not be the Senior Judge referred to in this Act.

SECTION 5. The Judge, Part II for the First Judicial Circuit, and his successors, shall be learned in the law and not less than thirty (30) years of age. No appointment shall be made to fill the office created by this Act prior to the August 1968 election, but the Judge, Part II shall be elected at the August election in 1968 by the qualified voters of the First Judicial Circuit and shall hold office from the date of his election until September 1, 1974, and until his successor is elected and qualified; and, at the August election of that year, and thereafter every eight (8) years, there shall be elected by the qualified voters of the said Judicial Circuit a Judge, Part I and a Judge, Part II. The Judge, Part II will receive the same salary, payable in like manner, and have the same powers of the Circuit Judges of this State and may interchange with any of the Circuit Judges and Chancellors of this State.

SECTION 6. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 14, 1968.

Criminal Court

Public Acts of 1957 Chapter 54

SECTION 1. That a Criminal Court is hereby created and established in the First Judicial Circuit of Tennessee, for the Counties of Washington, Carter, Unicoi and Johnson, to be known as the

"Criminal Court of the First Judicial Circuit of Tennessee."

SECTION 2. That the said Criminal Court shall have general, common law and statutory jurisdiction, original and appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now or may hereafter be conferred upon the Circuit Courts and Criminal Courts of this State under the common laws or the statutes and to hear, try and determine all criminal cases.

SECTION 3. That upon the passage of this Act, the Governor of the State of Tennessee, is hereby authorized and directed to appoint a judge of the Criminal Court created hereunder; and said Judge shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such criminal judges, circuit judges and chancellors in this State, and his salary shall be the same and shall be paid in like manner by the State as that of other criminal and circuit judges of the State.

SECTION 4. That at the general election to be held on the first Thursday in August, 1958, and at all regular elections for judges held thereafter, there shall be elected by the qualified voters of said counties a judge for said Criminal Court for the First Judicial Circuit of Tennessee, in the same manner and with the same tenure of office as other Criminal and Circuit Judges of this State.

SECTION 5. That the District Attorney General of the First Judicial Circuit for Tennessee shall perform the duties of the District Attorney General in the said Criminal Court in the Counties herein named.

SECTION 6. That the Circuit Court Clerks and Sheriffs of the several counties herein named, shall be the Clerks and Sheriffs for the said Criminal Court in said Counties and they shall perform the same duties and receive the same compensation now provided by law for them.

SECTION 7. That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said Counties herein named.

SECTION 8. That it shall be lawful for the Judge of the Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in any of the different counties, including the same county, or said Circuit at the same time.

SECTION 9. That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out, shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said criminal court and shall have the same pay, qualifications, powers and privileges and shall be organized as now, under existing law as the law provides with reference to Grand Juries and all other juries of courts, but all bills of indictment, presentment and information shall be returned to said Criminal Court.

SECTION 10. That all criminal cases now existing or pending in the Circuit Courts of said named counties, on the passage of this Act, shall be by virtue of the provisions of this Act, automatically be transferred to the said Criminal Court herein established in said counties respectively and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act, transfer all Criminal proceedings and papers from the Circuit Court for said Counties to the Criminal Court and shall procure and keep the proper books, records and minutes for the said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace or other inferior courts in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

SECTION 11. That all appeals, writs of error and appeals in the nature of writs of error, shall be prosecuted from the judgments of the said Criminal Court to the Supreme Court and as from other Criminal Courts of this State.

SECTION 12. That the time and places for holding the said Criminal Court in the said Counties shall be as follows: Washington County, at Jonesboro, the Second Monday in January, May, and September. Carter County, at Elizabethton, the Second Monday in February, June and October. Unicoi County, at Erwin, the First Monday in April, August and December. Johnson County at Mountain City, the First Monday in February, June and October.

SECTION 13. That all laws and parts of laws now existing in conflict with this Act and its full intentions be and the same are hereby repealed.

SECTION 14. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: February 20, 1957.

District Attorney

Assistant District Attorney

Private Acts of 1971 Chapter 196

COMPILER'S NOTE: The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

SECTION 1. There is created the office of an additional Assistant District Attorney General for the First Judicial Circuit. The District Attorney General of the First Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the state of Tennessee.

SECTION 2. The Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the First Judicial Circuit.

SECTION 3. The Assistant District Attorney General for the First Judicial Circuit shall receive an annual salary in equal monthly installments out of the treasury of the state as provided in Section 8-708, Tennessee Code Annotated.

SECTION 4. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 1971.

Private Acts of 1976 Chapter 545

COMPILER'S NOTE: The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

SECTION 1. There is established one (1) additional position of Assistant District Attorney General for the First Judicial Circuit of the State of Tennessee. That one (1) additional position of full-time Assistant District Attorney General shall be compensated according to the provisions of Tennessee Code Annotated, Section 8-708.

SECTION 2. The aforesaid one (1) additional position of Assistant District Attorney General shall be appointed by the District Attorney General for the First Judicial Circuit and shall serve at his pleasure.

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it. No state funds shall be expended to fund the provisions of this act prior to July 1, 1976 and all acts creating additional District Attorney General or Assistant District Attorney General, Criminal Investigator or Judicial positions which are enacted during the 1976 session of the Eighty-Ninth General Assembly shall be given priority in funding over this act, and no appropriation shall be made for the fiscal year 1976-77 except through the General Appropriations Bill and amendments thereto, or surplus funds otherwise available in the Judicial Budget, and no District Attorney General appointed or elected until said funds are available.

PASSED: March 11, 1976

Public Acts of 1967 Chapter 135

COMPILER'S NOTE: The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

SECTION 1. There is created the office of an additional assistant district attorney general for the first judicial circuit. The district attorney general of the first judicial circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the district attorney general. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the State of Tennessee.

SECTION 2. The additional assistant attorney general shall perform such duties and functions as may be assigned and directed by the district attorney general of the first judicial circuit.

SECTION 3. The additional assistant district attorney general shall receive an annual salary of four thousand eight hundred dollars (\$4,800) payable in equal monthly installments out of the treasury of the state, upon warrant of the Commissioner of Finance and Administration. If the general assembly should by general law increase the salaries of assistant attorneys general as provided in Section 8-708, Tennessee Code Annotated, the compensation of the additional assistant attorney general for the first judicial circuit

shall be the same amount per year as that provided by general law for such assistants.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 25, 1967.

Secretarial Assistance

Public Acts of 1971 Chapter 324

COMPILER'S NOTE: The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

SECTION 1. There is created the position of a secretary to the District Attorney General for the First Judicial Circuit. The District Attorney General is authorized to employ a suitable person as secretary, to be employed at the pleasure of the Attorney General, and shall perform such duties as may be assigned and directed by the District Attorney General. The compensation of the secretary shall be four thousand eight hundred dollars (\$4,800.00) per annum, payable in equal month installments out of the treasury of the state upon the warrant of the Commissioner of Finance and Administration.

SECTION 2. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 13, 1971.

General Sessions Court

Part II

Private Acts of 1980 Chapter 201

COMPILER'S NOTE: This act should be read in conjunction with Private Acts of 1988, Chapter 136, which follows this act.

SECTION 1. There is hereby created a second judgeship in the Court of General Sessions in Washington County. Such judgeship shall possess concurrent jurisdiction, powers, duties and responsibilities with the existing judgeship except as provided herein. The Court of General Sessions in Washington County shall be comprised of Part I which shall be the currently existing judgeship, and Part II which shall be the judgeship created by this Act. Parts I and II of the Court of General Sessions shall in addition, have exclusive jurisdiction and powers with respect to the probate of wills and administration of estates and with respect to juvenile matters as now executed by the County Executive of Washington County, which is hereby divested of such jurisdiction and power, but this provision shall not affect or impair the powers and functions of the county executive of Washington County in other respects. Neither shall this provision affect or impair the powers or functions of the Juvenile Judge of Johnson City, Tennessee.

In addition to the jurisdiction conferred by this section, the Court of General Sessions shall have concurrent jurisdiction over the estates of incompetents and minors (infants) as well as the appointment of conservators and guardians, to the same extent and as fully and completely as heretofore exercised under the provisions of Tennessee Code Annotated, Section 16-16-107. The procedure, rules of practice, and laws governing such court shall be the same as are now in force, except where expressly changed by this Act. Each part of the court shall regulate its own session.

As amended by: Private Acts of 1983, Chapter 105

COMPILER'S NOTE: The original Act does not have a Section 2.

SECTION 3. The present judge and his successors of the Court of General Sessions in Washington County shall sit and hold court regularly in Part I; and the judge and his successors in Part II shall sit and hold court regularly. But, if at any time the business of any part of such court has been completed by the hearing of all prepared causes before it, and there remain undisposed causes in the other part of such court, then it shall be the duty of both judges to sit in the hearing of the undisposed causes, until those causes have been determined. In such circumstances, the apportionment of the undisposed causes shall be by such judges between themselves in a way and at times that shall be conducive to a speedy termination thereof.

SECTION 4. As soon after the passage of this Act as may be practicable, the judges of such court shall apportion between the two parts thereof the causes now pending therein. The causes shall be apportioned in order to expedite the hearing of such causes.

SECTION 5. Washington County shall furnish for the sitting of each part of such court separate rooms. Provided, however, that all causes relating to the probate of wills and administration of estates and the designated juvenile matters shall be heard in Jonesboro, Tennessee, with the court records thereof being maintained in the County Clerk's office. All causes relating to the probate of wills, the administration of estates, and juvenile matters heretofore described and designated; the exercise of jurisdiction over the estates of incompetents and minors; and the appointment of conservators and guardians, shall be heard in Jonesboro, Tennessee, with the records thereof being maintained in the office of the County Clerk.

As amended by: Private Acts of 1983, Chapter 105

SECTION 6. The clerk of the Circuit Court of Washington County, Tennessee shall act as Clerk of the Court of General Sessions of Washington County, Tennessee except that jurisdiction of the General Sessions Court dealing with probate of wills, administration of estates, juvenile matters heretofore described and designated, estates of incompetents and minors and the appointment of conservators and guardians which special jurisdiction shall be served by the County Clerk of Washington County, Tennessee, who shall act as Clerk of the General Sessions Court with respect to such excepted jurisdiction last above set forth. Provided further that the Clerk of the Circuit Court in his capacity as Clerk of the General Sessions Court and the County Clerk in his capacity as Clerk of the Special Jurisdiction of the Sessions Court above described shall each have such deputies and assistants as may be necessary for the proper administration of the duties of their respective offices and said deputies and assistants shall be appointed in the same manner as now provided by law for the appointment and their compensation shall be as now provided by law for each respective clerk's office.

As amended by: Private Acts of 1983, Chapter 105

SECTION 7. The office of judge of Part II of the Court of General Sessions of Washington County shall be filled by an appointee to be named by the Governor. The judge so appointed shall serve until August 31, 1980 and until his successor is elected in the Regular August Election of 1980 and qualified. The judge of Part II of the Court of General Sessions of Washington County elected at the Regular August Election of 1980 shall serve for a term of two (2) years from the first day of September in 1980 and shall be subsequently elected at the General August Election of 1982 and thereafter each eight (8) years. He shall hold office for the term for which he was elected or until his successor is elected and qualified.

SECTION 8. COMPILER'S NOTE: This section amended Private Acts of 1955, Chapter 165 which is published herein.

SECTION 9. This Act shall in no way be construed to have the effect of removing an incumbent from office, or abridging his term, or altering his salary prior to the end of the term for which such official was selected.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Washington County before June 15, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 11. 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 in Section 10.

PASSED: March 6, 1980.

Part III

Private Acts of 2012 Chapter 69

SECTION 1. There is hereby created and established an additional court in and for Washington County, Tennessee, which shall be designated, "Part III, Court of General Sessions in Washington County, Tennessee."

SECTION 2. Part I and II, Courts of General Sessions in Washington County, Tennessee, shall retain the jurisdiction previously conferred upon each court. The additional Part III Court of General Sessions shall have the same terms of court, and the same jurisdiction and powers as are now exercised by the Courts of General Sessions in Washington County, Tennessee. In addition, Part III shall have jurisdiction to hear and decide cases involving alleged violations of environmental ordinances or resolutions. When hearing these violations, the court shall hereinafter be referred to as the county environmental court. The judges of Parts I and II, and the judge of Part III of the Court of General Sessions are authorized to interchange with each other where necessary for the efficient dispatch of cases and judicial business. The office, powers, duties and responsibilities of the Clerk of the Circuit Court shall be enlarged to include the work of

the additional Part, and the clerk, or the clerk designee, shall attend the additional Part when it is in session. The Circuit Court Clerk, when performing the duties of the office shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for the county by the general laws of the state. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Washington County, Tennessee.

SECTION 3. The first judge of Part III of the Court of General Sessions shall be elected by the Board of County Commissioners of Washington County, Tennessee. The person so elected shall commence service on January 1, 2013, and serve until August 31, 2014, or until such judge's successor is elected and qualified. Thereafter, a judge for Part III shall be elected for a full eight (8) year term. The judge of such additional Part III shall exercise all of the powers and receive the same compensation as do the other General Sessions judges of Washington County, Tennessee. The judge of the additional Part III shall devote all working time to the duties of the office and shall not engage in the practice of law while serving as a judge.

SECTION 4. In addition to other powers granted herein, the judges of Parts I, II and III of the Court of General Sessions in Washington County are hereby granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is hereby empowered to order any defendant found guilty of violating any ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. In all cases involving the alleged violation of any ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning, the judge of the additional Part shall have the power to appoint a master in aid of the court. The appointment, powers and duties of such masters shall be as set forth in Rule 53 of the Tennessee Rules of Civil Procedure. The judges of Parts I, II and III of the Court of General Sessions in Washington County, Tennessee, shall have the power to punish any person for contempt who, having been ordered to correct a violation of any county ordinance or resolution relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such an order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding five (5) days for each such violation.

Notwithstanding any provision of law to the contrary, the judges of the County General Sessions Court shall have the jurisdiction to try and dispose of violations of municipal ordinances pursuant to the terms of an intergovernmental agreement between any municipal government in Washington County and the county government; provided, that a certified copy of all ordinances of the municipality to be enforced pursuant to such intergovernmental agreement shall have been filed with the judge of the Part.

SECTION 5. The judges of Part I, Part II and Part III shall from time to time be authorized and empowered to adopt joint rules of practice and procedure for the courts, provided that they are not inconsistent with the substantive and procedural laws of the state relative to the matters of the jurisdiction of the courts and that they are not otherwise inconsistent with such rules as may from time to time be promulgated by any superior court having supervisory jurisdiction over the courts.

SECTION 6. All laws and portions of laws, in conflict with Sections 1 through 5 of this act are repealed on January 1, 2013.

COMPILER'S NOTE: Sections 7 through 14 of this Private Act, relative to the County Attorney, are found in Chapter 1 Administration.

SECTION 15. Nothing contained within this act shall prohibit the Washington County, Tennessee, Board of County Commissioners from commencing with their duties under this act prior to September 1, 2012.

SECTION 16. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Washington County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding office of Washington County, Tennessee, Board of County Commissioners and certified to the secretary of state.

SECTION 17. 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 16. For the purpose of selecting and organizing any Legal Services Oversight Committee and making all necessary preparations for this Act to be implemented on September 2, 2012, Sections 7 through 15 shall take effect upon becoming a law, the public welfare requiring it. Sections relative to the County Attorney shall take effect September 1, 2012, the public welfare requiring it. Sections 1 through 6 relative to general sessions court shall take effect January 1, 2013, the public welfare requiring it.

PASSED: April 24, 2012.

Private Acts of 1955 Chapter 165

SECTION 1. There is hereby created a second judgeship in the Court of General Sessions in Washington County. Such judgeship shall possess concurrent jurisdiction, powers, duties and responsibilities with the existing judgeship except as provided herein. The Court of General Sessions in Washington County shall be comprised of Part I which shall be the currently existing judgeship, and Part II which shall be the judgeship created by this Act. Parts I and II of the Court of General Sessions shall in addition to the jurisdiction conferred by this act and Chapter 165 of the Private Acts of 1955, have exclusive jurisdiction and powers with respect to juvenile matters. This provision shall not affect or impair the powers or functions of the Juvenile Judge of Johnson City, Tennessee. The procedure, rules of practice, and laws governing such court shall be the same as are now in force, except where expressly changed by this Act. Each part of the court shall regulate its own session.

As amended by: Private Acts of 2005, Chapter 48.

SECTION 2. All 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 is hereby vested in the Chancery Court of the First Judicial District. The Chancery Court of the First Judicial District shall have exclusive jurisdiction over 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 all matters relating thereto in Washington County. All causes relating to the probate of wills, the administration of estates, and juvenile matters heretofore described and designated; the exercise of jurisdiction over the estates of incompetents and minors; and the appointment of conservators and guardians, shall be heard in Jonesborough, Tennessee, with the records thereof being maintained in the Jonesborough office of the Clerk and Master of Washington County.

As amended by: Private Acts of 2005, Chapter 48.

SECTION 3. That before any civil case shall be tried or judgment rendered in said Court, the Judge of said Court may require the Plaintiff to execute a cost bond with good securities in the sum of Twenty-Five Dollars, or make a cash deposit of not less than Two Dollars Fifty Cents (\$2.50) or more than Twenty-Five Dollars (\$25.00), or in lieu thereof, to take the oath prescribed for poor persons, and upon motion the Court may increase the amount of such bond or deposit.

SECTION 4. That the laws now regulating pleading and practice, stay of and appeals from judgments, writs, and processes in civil cases in the courts of the Justice of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

SECTION 5. Washington County shall furnish for the sitting of each part of such court separate rooms. Provided, however, that the designated juvenile matters shall be heard in Jonesborough, Tennessee, with the court records thereof being maintained in the Circuit Court Clerk office.

As amended by: Private Acts of 2005, Chapter 48.

SECTION 6. The clerk of the Circuit Court of Washington County shall act as the Clerk of the Court of General Sessions of Washington County. The Clerk and Master of the Chancery Court of the First Judicial District shall serve as clerk for all matters 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. At least fifteen (15) days prior to the transfer of probate jurisdiction from the General Sessions Court of Washington County to the Chancery Court of the First Judicial District, the County Clerk of Washington County shall transfer all files, records and other documents 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 to the Clerk and Master of the Chancery Court of the First Judicial District. The Clerk of the Circuit Court in such clerk's capacity as Clerk of the General Sessions Court shall have such deputies and assistants as may be necessary for the proper administration of the duties of such clerk's office and such deputies and assistants shall be appointed in the same manner as now provided by law for the appointment and their compensation shall be as now provided by law for such clerk's office.

As amended by: Private Acts of 2005, Chapter 48.

SECTION 7. That separate dockets shall be kept in said Court for civil and criminal cases, in which all cases shall be entered immediately upon the issuance of the warrants. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and there shall be a direct and cross index of each case in the civil docket and

a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case. On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets.

SECTION 8. There shall be two judges of the Court of General Sessions of Washington County, each of whom shall be a citizen who has been a resident of Washington County for five (5) years preceding his election or appointment. A judge shall be a person who is a licensed attorney and who has been admitted to practice law before the Supreme Court of Tennessee and who shall have the qualifications required for judges of the courts of record.

As amended by: Private Acts of 1980, Chapter 201.

SECTION 9. That in case and in event this Act is ratified by a majority of the qualified voters of Washington County, as hereinafter provided the first Judge of the said Court shall be elected at the general election to be held the first Thursday in August, 1958. And his successor shall be elected every eight years from the first Thursday in August, 1958, for the said term of eight years.

SECTION 10. That the compensation of said Judge shall be Six Thousand Dollars (\$6,000.00) per annum, payable in equal monthly installments on the first of each month. It shall be paid out of the ordinary funds of the County, and shall not be increased or diminished during the term for which said judge is elected. Said Judge shall devote his full time to the performance of his judicial duties.

SECTION 11. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold Court, then a majority of the attorneys present in such court may elect one of their number who has the qualifications of such judge, and when elected, shall have the same authority as the regular judge to hold the court for the occasion. The Clerk of said Court shall preside at said election, and shall keep in his office a permanent record of the elections of such Special Judges.

Such Special Judges shall draw compensation at the rate of \$20.00 per day for their services out of the general funds of said county, provided that the compensation to all such special judges shall not exceed \$600.00 in any one year; and provided that the regular Judge of the said Court, for whom the special judge was sitting, shall certify in writing to the County Chairman or County Judge of said county the number of days the special judge or judges sat for the regular judge during his absence from the bench.

As amended by: Private Acts of 1959 Chapter 269.

SECTION 12. That in the case of the vacancy in the office of Judge of this Court for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 13. That the Clerk of the Circuit Court of Washington County shall act as the Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Washington County." The fees, commissions, and emoluments of said Court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of Washington County, Tennessee. The Clerk of the Circuit Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of said office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation for deputy Circuit Court Clerks. The Clerk of said Court and his deputies assigned thereto shall have concurrent authority with the judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

SECTION 14. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Washington County to any unpaid fees or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 15. That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

SECTION 16. That said Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Washington County, as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

SECTION 17. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. It shall be the duty of the county board of election commissioners to which this Act applies to hold an election on the first Thursday in August, 1976, for the purpose of accepting or rejecting the provisions of this Act. The ballot used in such election shall

have printed thereon the title of this Act and voters shall vote for or against its adoption. The vote cast from such election shall be canvassed by the county board of election commissioners on the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. If the provisions of this Act are accepted, an election will be held to fill the office of general sessions judge pursuant to Section 9 of this Act.

SECTION 18. That the Legislature expressly declares that each section of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

Passed: March 1, 1955.

Private Acts of 1988 Chapter 136

SECTION 1. Chapter 201 of the Private Acts of 1980 and all Acts amendatory thereto is amended relative to the duties of the county court clerk in juvenile matters as follows: Effective July 1, 1988, the clerk of the circuit court of Washington County who acts as the clerk of the court of general sessions of Washington County shall be responsible for all duties relative to juvenile matters previously performed by the county clerk of Washington County.

SECTION 2. The county clerk of Washington County shall have until thirty (30) days after the effective date of this act to transfer all records relative to juvenile matters to the clerk of the circuit court of Washington County who acts as the clerk of the general sessions court of Washington County.

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

SECTION 4. For purposes 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 3.

PASSED: February 18, 1988.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1927, Chapter 569, created a board of jury commissioners for Washington County.
2. Private Acts of 1945, Chapter 435, set the compensation of jurors in Washington County at \$4.00 per day.
3. Private Acts of 1955, Chapter 64, would have amended Private Acts of 1927, Chapter 569, so as to set the salary of the jury commissioners at \$10 for each day's service, however, this act was rejected or disapproved by Washington County and never took effect.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Washington 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. Public Acts of 1824, Chapter 14, set the time for holding the Washington County Chancery Court on the third Mondays in May and November at Greeneville.
2. Public Acts of 1835-36, Chapter 4, established and divided the state into chancery districts. The counties of Washington, Carter and Sullivan composed the first chancery district of the Eastern Division. The time for holding said court in Washington County was set on the first Monday in February at Jonesborough.
3. Acts of 1837-38, Chapter 116, set the time for holding the Washington County Chancery Court on

the first Mondays of May and November at Jonesborough.

4. Acts of 1851-52, Chapter 5, set the time for holding chancery court at Jonesborough in Washington County on the second Mondays of May and November.
5. Public Acts of 1857-58, Chapter 88, set the time for holding the Washington County Chancery Court on the second Mondays of May and November at Jonesborough.
6. Public Acts of 1865-66, Chapter 41, set the time for holding the Washington County Chancery Court on the fourth Mondays of May and November.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into twelve chancery districts. The counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen composed the first congressional district.
8. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the time for holding the Washington County Chancery Court on the fourth Mondays in May and November.
9. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven chancery divisions. The first chancery division was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen and Unicoi. The time for holding said court in Washington County was set for the fourth Mondays in May and November.
10. Public Acts of 1891, Chapter 4, established a chancery court in the ninth civil district of Washington County at Johnson City. The time for holding said court was set for the first Mondays of June and December. This act was amended by Private Acts of 1897, Chapter 255, so as to prescribe the duties of the clerk and master and authorized the citizens of the eighth, ninth, tenth and eleventh civil districts to bring their suits in equity in the chancery court at Johnson City. Private Acts of 1897, Chapter 255 was repealed by the Private Acts of 1897, Chapter 233. Public Acts of 1891, Chapter 4, was further amended by Acts of 1909, Chapter 285, so as to create the office of clerk and master of the chancery court at Johnson City and to provide for the appointment of a clerk and master. Acts of 1909, Chapter 285, was repealed by Private Acts of 1951, Chapter 608. Private Acts of 1925, Chapter 697, amended Public Acts of 1891, Chapter 4, so as to extend the territorial jurisdiction of said courts, by adding thereto the twelfth civil district of the county.
11. Public Acts of 1899, Chapter 427, divided the state into ten chancery divisions. The counties of Washington, Johnson, Carter, Sullivan, Unicoi, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke composed the first chancery division. The time for holding said court in Washington County was set for the first Mondays in March and September at Jonesborough and on the second Mondays in March and September in Johnson City.
12. Private Acts of 1923, Chapter 408, amended Public Acts of 1891, Chapter 4, so as to create and substitute for the law court, established by said original act, a circuit court for the same territory, fixed the time for holding said court and provided for a clerk thereof. This act, however, was found unconstitutional in *Lucile Arthur v. The State*, 148 Tenn. 434, 256 S.W. 437(1923).
13. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into thirteen chancery divisions. The counties of Washington, Johnson, Carter, Unicoi and Sullivan composed the first chancery division. The time for holding said court in Washington County was set for the third Mondays in April and October at Johnson City and on the first Mondays in April and October at Jonesborough.
14. Private Acts of 1949, Chapter 113, set the time for holding the law court in Washington County on the first Mondays of March, July and November.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Washington County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1909, Chapter 285, created the office of clerk and master for the chancery court at Johnson City in Washington County. This act was subsequently repealed by the Private Acts of 1951, Chapter 608.
2. Private Acts of 1913, Chapter 144, regulated and provided the manner of payment of the salary of the Washington County Chancery Court Clerk and Master. The salary of said clerk was set at \$1,500 per annum. This act was amended by Private Acts of 1917, Chapter 413, to exclude the fee gained by acting as a receiver or special commissioner in computing the clerk's minimum salary.
3. Private Acts of 1927, Chapter 513, set the compensation for the Clerk and Master of Washington

County Chancery Court at \$2,000 per annum. This act was subsequently amended by the Private Acts of 1929, Chapter 669 to change the mode of reporting fees.

Circuit Court

The following acts were once applicable to the circuit court of Washington 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 1809 (1st Sess.), Chapter 49, divided the state into five judicial circuits. The counties of Washington, Greene, Carter, Sullivan, Hawkins, Grainger, Claiborne and Campbell composed the first judicial circuit. The time for holding said court in Washington County was set on the second Monday in the months of March and September.
2. Acts of 1812, Chapter 75, moved the court of appeals of the first judicial circuit from Jonesborough in Washington County to Rogersville in Hawkins County.
3. Acts of 1815, Chapter 151, set the time for holding the Washington County Circuit Court on the first Monday in the months of March and September.
4. Acts of 1817, Chapter 132, set the time for holding circuit court for Washington County on the second Monday in the months of March and September.
5. Private Acts of 1823, Chapter 150, extended the time for holding the Washington County Circuit Court.
6. Private Acts of 1824, Chapter 156, authorized a special term of the circuit court of Washington County for the trial of all cases, both criminal and civil. This act was amended by Private Acts of 1825, Chapter 100, to provide for 23 jurors at this special term.
7. Public Acts of 1835-36, Chapter 5, established and divided the state into eleven judicial circuits. The first judicial circuit was composed of the counties of Washington, Greene, Carter, Johnson, Sullivan, Hawkins, Grainger and Claiborne. The time for holding said court in Washington County was set for the second Monday in the months of March, July and November.
8. Acts of 1837-38, Chapter 116, set the time for holding the Washington County Circuit Court on the fourth Mondays of February, June and October.
9. Public Acts of 1857-58, Chapter 98, set the time for holding the Washington County Circuit Court on the fourth Mondays of February, June and October.
10. Public Acts of 1868-69, Chapter 35, set the time for holding the Washington County Circuit Court on the first Monday after the fourth Monday in November, March and July.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided the state into fifteen judicial circuits. The counties of Washington, Hancock, Hawkins, Greene, Carter, Johnson, Sullivan and Boone composed the first judicial circuit.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 44, set the time for holding the Washington County Circuit Court on the second Monday after the fourth Monday in March, July and November.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the time for holding the Washington County Circuit Court on the second Mondays after the fourth Mondays in March, July and November.
14. Public Acts of 1879, Chapter 140, set the time for holding the Washington County Circuit Court on the third Mondays after the fourth Mondays in July, November and March at Jonesborough.
15. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen judicial circuits. The first judicial circuit was composed of the counties of Washington, Johnson, Carter, Sullivan, Unicoi, Greene, Hawkins and Hancock. The time for holding said court in Washington County was set for the third Monday after the fourth Monday in March, July and November.
16. Acts of 1891 (Ex. Sess.), Chapter 9, set the time for holding the Washington County Circuit Court on the second Monday in the months of April, August and December at Jonesborough.
17. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits. The counties of Washington, Johnson, Carter, Sullivan, Unicoi, Greene, Hawkins, Hancock and Claiborne composed the first judicial circuit. The time for holding said court in Washington County was set for the first Monday in February, June and October at Jonesborough, and on the second Monday in February, June and October in Johnson City.
18. Acts of 1903, Chapter 198, set the time for holding the Washington County Circuit Court on the first Monday in February, June and October at Jonesborough and the third Monday in April, August and December at Johnson City. This act was amended by Private Acts of 1911, Chapter 550, so as change the time for holding the Washington County Circuit Court on the third Mondays in

February, June and October.

19. Private Acts of 1921, Chapter 303, fixed the time for holding the circuit and law courts in the first judicial circuit. The said court in Washington County was held on the second Mondays in March, July and November.
20. Public Acts of 1925, Chapter 94, set the time for holding the Washington County Circuit Court on the second Monday in January, May and September at Jonesborough.
21. Private Acts of 1927, Chapter 407, set the time for holding the circuit court of Washington County on the second Monday in June, May and September at Jonesborough.
22. Public Acts of 1931 (2nd Ex.Sess.), Chapter 38, divided the state into twenty judicial circuits. The first judicial circuit was composed of the counties of Washington, Carter and Unicoi counties. The time for holding said court in Washington County was set for the second Mondays in January, May and September at Jonesborough and on the fourth Mondays in February, June and October in Johnson City.
23. Public Acts of 1953, Chapter 18, set the time for holding the Washington County Circuit Court on the second Mondays in January, May and September at Jonesborough and on the first Monday in March, July and November in Johnson City.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Washington 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. Acts of 1855-56, Chapter 260, instructed the circuit court clerk of Washington County to retain \$200 for the purpose of enclosing and walling up the grave of Able Wiley.
2. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, a general law which regulated the compensation of circuit court clerks so as to provide that the circuit court clerk of Washington County receive a salary of \$1,500 per annum. Private Acts of 1917, Chapter 220, further amended Acts of 1903, Chapter 255, so as to not include in the annual report to the county judge or chairman the fees collected for the making of transcripts to the courts of civil appeals, the supreme court of Tennessee and the federal courts in Washington County.
3. Private Acts of 1925, Chapter 185, authorized the Washington County Court to appropriate up to \$1,000 to supplement the current salary of the circuit court clerk.
4. Private Acts of 1933, Chapter 622, provided for the appointment of a deputy circuit court clerk for Washington County.
5. Private Acts of 1933, Chapter 623, provided for the appointment of a deputy circuit court clerk for Washington County.
6. Private Acts of 1933, Chapter 647, set the maximum salary of the Washington County Circuit Clerk at \$3,250 per annum.

Criminal Court

The following acts once pertained to the Washington 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 90, created a judicial criminal district which was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Hancock, Greene, Jefferson, Grainger and Claiborne. The time for holding said court in Washington County was set for the third Monday in February, June and October. Section 5 of this act was repealed by Public Acts of 1869-70, First Session, Chapter 11.
2. Public Acts of 1867-68, Chapter 49, provided for the election of the criminal judge in Washington County. This act was repealed by Public Acts of 1869-70, First Session, Chapter 11.
3. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Washington County Criminal Court on the third Monday after the fourth Mondays in the months of March, July and November.
4. Public Acts of 1899, Chapter 427, set the time for holding the Washington County Criminal Court on the the first Monday in February, June and October at Jonesborough, and on the second Monday in February, June and October in Johnson City.
5. Private Acts of 1925, Chapter 131, created a separate criminal court for the first judicial circuit composed at the time of Washington, Greene, Unicoi, Carter and Sullivan Counties. The times for the terms of this court in Unicoi County were fixed on the second Mondays in March, July and November. Appropriate transfer of criminal jurisdiction took place in the act with provisions for the

clerk of circuit court and the sheriff to serve this court as they had previously served the circuit court. This act expired under its own terms August 1, 1926, carrying this special court with it. This act was duplicated in Public Acts of 1925, Chapter 16.

District Attorney General - Assistans and Criminal Investigators

The following act once affecting Washington County is no longer in effect but is listed here for historical purposes.

1. Acts of 1817, Chapter 65, divided the state into solicitorial districts. The counties of Washington, Greene, Carter and Sullivan composed the first solicitorial district.

General Sessions Court

The following acts once affected the general sessions court of Washington County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1959, Chapter 316, would have amended Private Acts of 1955, Chapter 165, so as to remove the judge's power to issue search and arrest warrants; however, this act was rejected by the local authorities and thus did not become law.
2. Private Acts of 1970, Chapter 299, would have amended the Private Acts of 1955, Chapter 165, so as to provide that the general sessions judge must be a licensed attorney; however, this act was rejected by the local authorities and never became law.

Secretarial Assistance

The following acts once affected the general sessions court of Washington County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 778, authorized the circuit judge of the first judicial division and the chancellor of the first chancery division, to employ a stenographer or secretary, and that the salary of such stenographer or secretary be paid by Washington County.

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