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# Court System - Historical Notes

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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 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of equity jurisdiction in Washington County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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.