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Private Acts of 1955 Chapter 165

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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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.

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