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Court System - Historical Notes

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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Board of Jury Commissioners - Jurors

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

1. Private Acts of 1943, Chapter 221, created a three member board of jury commissioners in Unicoi County who were to be appointed by the circuit judge. This act was amended by Private Acts of 1945, Chapter 35, which lowered the minimum number of names to be submitted as perspective jurors from 100 to 400.
2. Private Acts of 1949, Chapter 159, provided that every regular juror serving on a jury in Unicoi County would be paid \$5.00 daily for such services from funds in the county treasury.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Unicoi County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1877, Chapter 40, set the time for holding the Unicoi County Chancery Court to the first Mondays in January and July at Vanderbilt.
2. Acts of 1885 (Ex. Sess.), Chapter 20, placed Unicoi County in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke and Hamblen counties. The time for holding said court in Unicoi County was set for the first Mondays in January and July.
3. Public Acts of 1891, Chapter 165, placed Unicoi County in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Claiborne, Grainger, Hamblen, Cocke, Greene, and Jefferson counties. The time for holding said court was set on the third Mondays in May and November.
4. Public Acts of 1899, Chapter 427, divided the state into ten chancery divisions. Unicoi County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke counties. The time for holding said court in Unicoi County was set for the third Mondays in March and September. This act was amended by Private Acts of 1901, Chapter 438, by placing Unicoi County in the second chancery division along with Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott counties. The time for holding said court in Unicoi County was set for the third Mondays in May and November.
5. Private Acts of 1927, Chapter 407, changed the time for holding the Unicoi County Chancery Court to the second Mondays in June and December.
6. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Unicoi County in the first chancery division, along with Johnson, Carter, and Sullivan counties. The time for holding said court was set for the second Mondays in June and December.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Unicoi County.

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Clerk and Master at \$1,000 per annum.
2. Private Acts of 1911, Chapter 333, set the salary of the Unicoi County Chancery Court Clerk at \$500 per annum. This act was amended by Private Acts of 1917, Chapter 187, by eliminating the fees of the clerk and master for making transcripts to the appellate courts from his accounting for salary, same to be regarded as his separate earnings. Private Acts of 1921, Chapter 32, further amended Acts of 1911, Chapter 333, by increasing the salary of the clerk and master from \$500 to \$1,200 annually. Private Acts of 1925, Chapter 656, further amended Private Acts of 1911, Chapter 333, above, by excepting from those fees required to be listed in the report of the clerk and master those fees collected as commissions on the sale of land by his office. The report was the one to be filed by January 1, with the county judge or court showing all the fees collected.
3. Private Acts of 1949, Chapter 214, provided that the clerk and master of Unicoi County would be paid a salary of \$1,800 annually if he filed a report with the county judge, or chairman, every month, sworn to and itemized, showing the amount of fees paid into his office.

Circuit Court

The following acts were once applicable to the circuit court of Unicoi County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Public Acts of 1877, Chapter 40, set the time for holding the Unicoi County Circuit Court to the fourth Mondays in February, June and October.
2. Public Acts of 1879, Chapter 45, set the time for holding the Unicoi County Circuit Court to the first Mondays of July, November and March.
3. Acts of 1885 (Ex. Sess.), Chapter 20, placed Unicoi County in the first judicial circuit, along with Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock counties. The time for holding said court for Unicoi County was set for the first Mondays in March, July and November. Public Acts of 1889, Chapter 74, amended Acts of 1885 (Ex. Sess.), Chapter 20, by placing the counties of Unicoi, Johnson, Carter, Sullivan, Washington, Greene, Hawkins and Hancock in the first judicial circuit. The time for holding said court in Unicoi County was set for the fourth Mondays in February, June and October.
4. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits. Unicoi County was placed in the first judicial circuit along with the counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, Hancock and Claiborne. The time for holding said court in Unicoi County was set for the third Mondays in February, June and October.
5. Acts of 1903, Chapter 198, changed the court dates in Unicoi County for the circuit court to the second Mondays in January, May and September.
6. Private Acts of 1921, Chapter 303, fixed the times for holding the circuit court of Unicoi County to the second Mondays in January, May and September.
7. Private Acts of 1927, Chapter 407, assigned Unicoi, Johnson, Carter and Washington counties to the first judicial circuit changing the court terms for Unicoi to the fourth Mondays in March, July, and November.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Unicoi County in the first judicial circuit, along with Washington, Johnson and Carter counties. The time for holding said court was set for the fourth Mondays in March, July and November.
9. Public Acts of 1953, Chapter 18, showed the first judicial circuit to be composed of Unicoi, Washington, Carter and Johnson counties. Court terms at Erwin for Unicoi County commenced on the first Monday in April, August, and December.

Circuit Court - Clerk

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Circuit Court Clerk at \$800 per annum.
2. Acts of 1903, Chapter 255, set up a salary schedule for circuit court clerks by counties according to population; the Unicoi County Circuit Court Clerk received \$500 annually.
3. Private Acts of 1921, Chapter 124, set the salary of the circuit court clerk of Unicoi County at \$1,000 payable quarterly in January, April, July and October, but required that an accurate record of the fees collected shall be kept and filed quarterly showing the amount of the fee and the source from which it was collected. If the fees were less than the salary, the county would make up the difference. This act was amended by Private Acts of 1923, Chapter 281, by increasing the salary of the circuit court clerk from \$1,000 to \$1,200 yearly.
4. Private Acts of 1949, Chapter 213, fixed the salary of the circuit court clerk in Unicoi County at \$1,800 annually, payable monthly, but also on condition that he file a sworn, itemized statement with the judge or the chairman, between the first and tenth days of every month, showing the amount of the fees paid into his office during the preceding month.

Criminal Court

The following acts once pertained to the Unicoi County Criminal Court, but are no longer current law.

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Criminal Clerk at \$800 per annum.
2. Public Acts of 1899, Chapter 427, set the time for holding the Unicoi County Criminal Court to the third Mondays in February, June and October.
3. Private Acts of 1925, Chapter 131, created a separate criminal court for the first judicial circuit composed at the time of Unicoi, Greene, Washington, Carter and Sullivan counties. The time for

holding said court in Unicoi County was fixed to the second Mondays in March, July and November. Appropriate transfer of criminal jurisdiction took place in the act with provisions for the clerk of the circuit court and the sheriff to serve this court as they had previously served the circuit court. This act expired under its own terms on August 1, 1926, carrying this special court with it.

4. Public Acts of 1957, Chapter 47, amended T.C.A. 16-207, by changing the court dates for the criminal court of the first judicial circuit. Court times for Unicoi were to begin on the first Mondays in April, August and December.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1971, Chapter 324, created the position of a secretary to the district attorney general of the first judicial district. The salary for this position was \$4,800 per annum.

General Sessions

The following act once affected the general sessions court of Unicoi County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1955, Chapter 161, would have created a court of general sessions for Unicoi County, but this act was not approved at the local level and therefore did not become a law.

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