



May 16, 2024

Chapter V - Court System

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Chapter V - Court System 3
Chancery Court 3
Probate Jurisdiction 3
Private Acts of 1982 Chapter 385 3
Circuit Court 3
Public Acts of 1968 Chapter 449 3
General Sessions Court 4
Private Acts of 1943 Chapter 333 4
Court System - Historical Notes 6

Chapter V - Court System

Chancery Court

Probate Jurisdiction

Private Acts of 1982 Chapter 385

SECTION 1. The chancery court in Carter County shall have exclusive jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto which were formerly vested in the county court or the county judge.

SECTION 2. The County Clerk of Carter County shall be the sole county official authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, take and state all accounts and settlements, subject to the approval of the chancellor, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. The chancellor shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. Probate-related actions taken by the county clerk shall be subject to review by the chancellor by simple motion, petition or filing of exceptions as may be appropriate.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County before September 1, 1982. 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 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 on September 1, 1982, if approved as provided in Section 3.

Passed: May 6, 1982.

COMPILER'S NOTE: Private Acts of 1982, Chapter 325, herein, is identical to this act except that it was not approved by the Carter County Legislative Body and never became law.

Circuit Court

Public Acts of 1968 Chapter 449

COMPILER'S NOTE: Although this is a public, rather than a private act; it is one of special effect and is 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.

General Sessions Court

Private Acts of 1943 Chapter 333

SECTION 1. That there is hereby created and established in and for Carter County, Tennessee, a Court which shall be designated as the Court of General Sessions of Carter County, Tennessee, which shall possess the powers and jurisdiction as hereinafter provided.

SECTION 2. That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of Carter County are hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in nowise affected by this Act, with the exception of the power and authority to issue civil and criminal warrants, attachments, garnishments, subpoenas, peace warrants, and mittimi and fix bonds. The trial of defendants on such, however, and the trial of any and all cases is to be before the Judge of the Court of General Sessions. The Justice of the Peace issuing such criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers.

COMPILER'S NOTE: Brackets supplied by Compiler. Materials within the brackets apply to Section 4 of the Private Acts of 1984, Chapter 179 and not to the original act.

[Effective upon this act being approved as provided in Section 4], the Court of General Sessions shall be vested with juvenile jurisdiction in Carter County and such judge shall possess all of the jurisdiction, powers, duties, and authority conferred upon juvenile court judges by the provisions of Tennessee Code Annotated, Title 37 or any other general law.

[Upon approval of this act,] all unfinished and pending cases or matters in the juvenile court of Carter County shall be transferred to the Court of General Sessions. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of such juvenile court shall be delivered to the General Sessions Court Clerk.

As amended by:
Private Acts of 1949, Chapter 411
Private Acts of 1951, Chapter 236
Private Acts of 1951, Chapter 534
Private Acts of 1984, Chapter 179

SECTION 3. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

SECTION 4. That the jurisdiction of said Court shall be co-extensive within the boundaries of Carter County, Tennessee, and the said Judge shall have power and authority to hear and try all cases at the courtroom established therefor, or at such other place or places in Carter County as he may determine to be more feasible and convenient for the parties.

SECTION 5. 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 security in the sum of \$25.00, or make a cash deposit of not less than \$2.50 nor more than \$25.00, or in lieu thereof to take the oath prescribed for poor persons, and upon motion of the Court may increase the cost of such bond or deposit.

SECTION 6. That the rules of pleadings and practice form, of writs and process and stay of appeals and judgments in civil cases of said Court shall be the same as of Justices of the Peace.

SECTION 7. That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerk of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his deputies, constables, game wardens and State highway patrolmen for the execution of writs and process of said Court, and the process of said Court and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to

the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees, and mileage of witnesses, and fees, commissions and emoluments of the Sheriff, his deputies, constables, State highway patrolmen, game wardens, and other officers, for services in said Court accounted for and disbursed as required by law.

SECTION 8. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant to process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his deputies, constables, game wardens, and State highway patrolmen for their services, fees of witnesses for attendance, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

SECTION 9. That there shall be one Judge of said Court, who shall be a resident and citizen of Carter County, Tennessee, and learned in the law, who shall before entering upon his duties as such, take and prescribe an oath for the faithful performance of his duties and execute a bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

SECTION 10. That the compensation of said Judge shall be \$3,600.00 per annum, payable in equal monthly installments on the first of each month, out of the ordinary funds of the County, and shall not be increased or diminished during the term for which he is appointed or elected. The Judge of said Court of General Sessions may at any time receive and receipt from the Clerk of said Court of General Sessions any amount due the said Judge on his salary. Said funds to be paid out of funds in the hands of said Clerk due Carter County, Tennessee, and the Clerk of said Court will take credit for same on his quarterly report made for revenue due the County.

As amended by: Private Acts of 1947, Chapter 735

SECTION 11. That Melton S. Bangs, a resident and citizen of Carter County, Tennessee, and who is learned in the law, is hereby appointed the first Judge of the said Court, to serve as such until his successor is elected and qualified; said successor will be chosen by the voters of Carter County, Tennessee, at the next general August election to be held in the year 1944, and shall hold office from the first day of September, 1944 until the next regular election of judicial officers or until his successor is qualified.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion.

SECTION 13. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 14. That there shall be a Clerk of said Court who shall hold office for a period of two years and until his successor is elected and qualified. The said Clerk shall receive as compensation for his or her services the sum of \$1,800.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Carter County. The Judge of said Court of General Sessions may, at any time, by written order authorize said Clerk to pay said Clerk's salary out of the funds in the hands of said Clerk due Carter County, Tennessee, and said Clerk will be allowed to take credit for same on his quarterly report made for revenue due said County.

Said Clerk shall perform all duties required of him by the Judge of said Court and shall receive, safely keep and account for all funds received by said Court, and shall pay over to said Carter County quarterly all fees, commissions, and emoluments of said Court of General Sessions, less the specific deductions allowable by this Act.

The Clerk of said Court shall have concurrent authority with the Judge of said Court in the issuance of all processes required to be issued from said Court.

[Effective upon this act being approved as provided in Section 4,] the Clerk of the Court of General Sessions shall be the clerk for all juvenile matters within the jurisdiction of the Court of General Sessions. Such clerk shall possess the same powers, duties and authority in matters pertaining to the court's juvenile jurisdiction as the clerk currently responsible for juvenile matters.

As amended by: Private Acts of 1947, Chapter 735
Private Acts of 1984, Chapter 179

SECTION 15. That before the Clerk of said Court shall enter upon his duties he shall take and subscribe an oath for the faithful performance of his duties and execute a bond payable to the State of Tennessee in

the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his hands and for the faithful performance of his duties.

SECTION 16. That on September 1, 1948, the office of Clerk of the General Sessions Court is hereby abolished and all the duties thereof transferred to the Clerk of the Circuit Court of Carter County and thenceforth shall act as Clerk of the General Sessions Court. All dockets, records and papers in the hands of the then Clerk of the Court of General Sessions shall be transferred to the Circuit Court Clerk of Carter County and the latter's powers and duties with respect to General Sessions Court matters shall be as full and complete as though set forth in this Act as therein conferred on the Clerk of the Court of General Sessions. For the additional duties herein imposed upon him, the Circuit Court Clerk of Carter County shall receive as compensation the additional sum of \$900.00 per annum, to be paid in monthly installments from the County Treasury.

As amended by: Private Acts of 1947, Chapter 735

SECTION 17. That this Act shall in nowise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees or funds in which he had a right or interest in any proceedings, judgments, or suits, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 18. That all of the official dockets, records, and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General (sic) Sessions. The official dockets, records, and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Carter County as provided by law.

SECTION 19. That the Clerk of said Court of General Sessions, when he is qualified as such, shall make a quarterly report of all revenue collected by him due Carter County, and in his report he may take credit for any sums paid by him to the Judge of said Court of General Sessions due on his salary, or for any sums paid by him on the Clerk's salary, or other deductions specifically allowed by this Act, and he shall have credit for the same.

SECTION 20. That said Court shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgments on the docket of said Justices of the Peace, and to certify to said judgment or judgments.

SECTION 21. That Carter County, Tennessee, shall provide Court rooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County or out of the fees and costs received by said Court.

SECTION 22. That the General Assembly (sic) expressly declare that each section, subsection, paragraph and provision 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 the Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 23. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 9, 1943.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1833, Chapter 194, provided that the County Courts of Carter and Lincoln Counties allow jurors summoned to attend Court more than one day, not less than 50¢ and no more than \$1 per day for their services. A majority of the Justices had to be present. The County Courts were authorized to levy and collect a tax to pay the jurors, if necessary. Talesmen jurors would be paid the same amount and may secure a certificate free from the County Court Clerk showing the number of days served.
2. Private Acts of 1925, Chapter 622, created a three-member Board of Jury Commissioners for Carter County who would be appointed by the Circuit Judge of the Judicial Circuit. The Commissioners would serve for a two year term and were either householders or free holders of the County, having resided in the County at least three years. The Commissioners were required to take an oath of office, after which they would select a Chairman of the Board. The Clerk of the Circuit Court was to serve as Secretary of the Board. The Board would make a list of 500 typewritten names on separate slips of paper and placed in a box under lock and key. The box

would only be opened at a regular meeting with at least two Board members present. When the number of available jurors dropped under 100 persons, the list would be replenished. Ten days before the court term, at least 24 names would be drawn from the box by a child under the age of ten years. Summons were issued by the Circuit Court Clerk for the 24 persons selected and the Sheriff was given the duty of serving the summons. Commissioners were to receive \$2 per day while actually engaged in the performance of their duty.

3. Private Acts of 1943, Chapter 464, amended Private Acts of 1925, Chapter 622, above, by increasing the membership on the Board of Jury Commissioners from three to five, increasing the rate of pay from \$2 to \$5 for each day actually worked and by granting a mileage allowance of four cents per mile actually travelled to and from meetings in the performance of their duties.
4. Private Acts of 1951, Chapter 299, allowed jurors serving in Carter County to receive the sum of \$6 per day each as compensation for their services.

Circuit Court - Clerk

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

1. Acts of 1855-56, Chapter 213, required the Secretary of State to furnish the Circuit Court Clerk of Carter County with one volume of Seventh and one volume of Eleventh Humphreys' of the Supreme Court of Tennessee decisions provided copies were available without having a reprinting.
2. Private Acts of 1859-60, Chapter 128, directed the Secretary of State to furnish the Circuit Court Clerk of Carter County with Meigs' Report, Sixth Yerger and Eleventh Humphreys. Their originals were destroyed by fire. The Treasurer of the State was to issue a warrant to the Secretary of State for an amount sufficient to pay for the same. This providing there were copies then in print.
3. Acts of 1903, Chapter 255, set forth a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Carter County would be paid \$750 annually. The Clerk was required to file an annual, sworn, itemized statement with the County Judge or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference. If the fees exceeded the salary, the Clerk could retain the surplus.
4. Private Acts of 1915, Chapter 216, fixed compensation of the Circuit Court Clerk in Carter County at \$1,000 per year, provided the Clerk filed a sworn, itemized statement in January with the County Judge or Chairman, showing the total amount of fees collected by his office. If the fees were less than the salary, the County would pay the Clerk the difference. If the fees exceeded the salary, the Clerk was allowed to retain the surplus.
5. Private Acts of 1919, Chapter 184, provided that the Circuit Court Clerk, the Sheriff and the Tax Assessor of Carter County would draw salaries to be paid in quarterly installments by the County Trustee upon the warrant of the Chairman of the Quarterly County Court.
6. Private Acts of 1925, Chapter 160, increased the salary of the Circuit Court Clerk of Carter County to \$1,500 annually, provided the Clerk filed a sworn, itemized statement quarterly with the County Chairman showing the total amount of fees collected. If the fees were less than the salary, the County would make up the difference. The Clerk was also authorized to employ help during the regular or special terms of court for which he could pay a reasonable amount, but if the fees of the office exceeded all this, the excess must be turned into the County Treasury.
7. Private Acts of 1929, Chapter 708, amended Private Acts of 1925, Chapter 160, above, by increasing the annual salary of the Carter County Circuit Court Clerk to \$2,000 per year and the Clerk was allowed \$15 per week for clerical hire, provided the Circuit Court Clerk file a quarterly itemized statement sworn to the County Judge or Chairman, showing a statement of fees paid to their offices.
8. Private Acts of 1931, Chapter 585, amended Private Acts of 1929, Chapter 708, above, by authorizing the Carter County Court to levy a special tax not to exceed five cents per \$100 property valuation in order to provide the revenue to pay for the salary increase heretofore given to the Circuit Court Clerk.

Criminal Court

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

1. Public Acts of 1867-68, Chapter 49, created a Judicial Criminal District in Johnson, Carter, Washington, Sullivan, Hawkins, Green, Cocke, Jefferson, Grainger and Claiborne. The Sheriffs were authorized to hold an election to elect a Judge for the Criminal District in Johnson, Carter,

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

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1967, Chapter 135, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided a salary of \$4,800 per year for the Assistant Attorney General.
2. Public Acts of 1971, Chapter 196, created the office of an additional Assistant Attorney General for

the First Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years. The additional Assistant Attorney General was to perform the duties and functions assigned by the District Attorney. The District Attorney had the authority to appoint the Assistant Attorney General. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.

3. Public Acts of 1976, Chapter 545, created the office of an additional Assistant Attorney General for the First Judicial Circuit. The additional Assistant Attorney General was to be appointed by the District Attorney General to serve at his pleasure. The act provided that compensation for the Assistant Attorney General conform to the provisions set out in T.C.A. 8-7-201.

District Attorney General - Secretary

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

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

Juvenile Court

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

1. Private Acts of 1937, Chapter 893, established a Juvenile Court for Carter County in Elizabethton. The Judge was granted the same powers of Judges of Court of Record. The Court had original and exclusive jurisdiction of all matters involving juveniles and had concurrent jurisdiction in the Circuit and Chancery Courts of Carter County. The Judge was authorized to designate one or more truant officers as probation officers. These officers had the duty of serving citations and other process of the Court, take children into custody, detain and present them to the Court for disposition. The probation officers also had the duty to investigate cases involving children brought before the Court. They were not allowed additional compensation in addition to their compensation as truant officers. The Judge could also appoint as many assistant probation officers as he deemed necessary. Such assistants were to serve without compensation. The act designated what constituted a dependent and delinquent child. Any reputable person having knowledge or information of such a child could file with the court a petition causing the child to be brought within the provisions of this act. The court could on its own motion, direct any probation officer to bring any child before him. In proper cases the Court could bind cases involving crimes and misdemeanors to the Criminal Court, fine them or commit them to the entry of order. The appeal could be taken by the child, parents of the child or by guardians upon the execution of an appeal bond in the amount of \$250. The County Court provided suitable places of detention for children waiting on trial and final disposition by the Court.
2. Private Acts of 1939, Chapter 336, amended Private Acts of 1937, Chapter 893, Section 2, above, permitting the Quarterly County Court to set the salary of the Juvenile Judge but placed a ceiling of \$100 a month on it, with Carter County and Elizabethton sharing it equally.
3. Private Acts of 1949, Chapter 692, amended Private Acts of 1937, Chapter 893, Section 2, as amended by Private Acts of 1939, Chapter 336, both above, by allowing the Juvenile Judge traveling expenses in the amount of \$600 per year or less, to be paid by warrant from the County Judge or Chairman, provided the Juvenile Judge file a sworn, itemized statement of the expense with the County Judge or Chairman.
4. Private Acts of 1972, Chapter 424, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, Chapter 692, all above, by deleting the second paragraph of Section 2 and inserting a new provision which set the salary of the Juvenile Judge at \$7,500 per annum, to be paid equally by Carter County and Elizabethton. This act was rejected by the Carter County Quarterly Court and never became an effective law.
5. Private Acts of 1974, Chapter 331, attempted to amend Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by transferring the duties of the Juvenile Court Judge to the General Sessions Court Judge of Carter County and by reenacting the paragraph granting as expense account of \$600 per year for the Juvenile Judge. It was the expressed intention of this law to abolish the Juvenile Court of Carter County and vest the duties, functions, responsibilities, powers, and jurisdiction of the said court into the General Sessions Court. This act was rejected by the Quarterly County Court of Carter County and never became effective law.
6. Private Acts of 1977, Chapter 75, amended Private Acts of 1937, Chapter 893, as amended by Private Acts of 1939, Chapter 336, and Private Acts of 1949, all above, by setting the annual

salary of the Judge of the Juvenile Court between \$4,800 and \$6,500 per year, payable monthly and shared equally by the City of Elizabethton and Carter County.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-8>