



May 01, 2024

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# Washington

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Dear Reader:

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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](http://www.ctas.tennessee.edu)

<b>Washington .....</b>	<b>4</b>
<b>Chapter I - Administration .....</b>	<b>5</b>
<b>Board of Public Utilities .....</b>	<b>5</b>
<b>Private Acts of 1949 Chapter 856 .....</b>	<b>5</b>
<b>County Attorney .....</b>	<b>6</b>
<b>Private Acts of 2022 Chapter 67 .....</b>	<b>6</b>
<b>County Register .....</b>	<b>7</b>
<b>Private Acts of 1933 Chapter 624 .....</b>	<b>7</b>
<b>Donations to Nonprofit Hospitals .....</b>	<b>7</b>
<b>Private Acts of 1949 Chapter 683 .....</b>	<b>7</b>
<b>Public Defender .....</b>	<b>8</b>
<b>Private Acts of 1972 Chapter 262 .....</b>	<b>8</b>
<b>Administration - Historical Notes .....</b>	<b>9</b>
<b>Chapter II - Animals and Fish .....</b>	<b>12</b>
<b>Animal Control Program .....</b>	<b>12</b>
<b>Private Acts of 1986 Chapter 167 .....</b>	<b>12</b>
<b>Foxes .....</b>	<b>13</b>
<b>Public Act of 1985 Chapter 331 .....</b>	<b>13</b>
<b>Livestock Inspector .....</b>	<b>13</b>
<b>Private Acts of 1953 Chapter 243 .....</b>	<b>13</b>
<b>Animals and Fish - Historical Notes .....</b>	<b>13</b>
<b>Chapter III - Bond Issues .....</b>	<b>15</b>
<b>Bond Issues - Historical Notes .....</b>	<b>15</b>
<b>Chapter IV - Boundaries .....</b>	<b>16</b>
<b>Acts of 1796 (First Session) .....</b>	<b>16</b>
<b>Creation of the County .....</b>	<b>16</b>
<b>Laws of North Carolina 1777 Chapter 31 .....</b>	<b>16</b>
<b>Change of Boundary Lines .....</b>	<b>17</b>
<b>Public Acts of 1881 Chapter 145 .....</b>	<b>17</b>
<b>Public Acts of 1980 Chapter 795 .....</b>	<b>17</b>
<b>Boundaries - Historical Notes .....</b>	<b>17</b>
<b>Chapter V - Court System .....</b>	<b>19</b>
<b>Chancery Court .....</b>	<b>19</b>
<b>Clerk and Master .....</b>	<b>19</b>
<b>Private Acts of 1951 Chapter 608 .....</b>	<b>19</b>
<b>Circuit Court .....</b>	<b>19</b>
<b>Senior Judge on First Circuit .....</b>	<b>19</b>
<b>Private Acts of 1968 Chapter 449 .....</b>	<b>19</b>
<b>Criminal Court .....</b>	<b>20</b>
<b>Public Acts of 1957 Chapter 54 .....</b>	<b>20</b>
<b>District Attorney .....</b>	<b>21</b>
<b>Assistant District Attorney .....</b>	<b>21</b>
<b>Private Acts of 1971 Chapter 196 .....</b>	<b>21</b>
<b>Private Acts of 1976 Chapter 545 .....</b>	<b>21</b>
<b>Public Acts of 1967 Chapter 135 .....</b>	<b>21</b>
<b>Secretarial Assistance .....</b>	<b>22</b>
<b>Public Acts of 1971 Chapter 324 .....</b>	<b>22</b>
<b>General Sessions Court .....</b>	<b>22</b>
<b>Part II .....</b>	<b>22</b>
<b>Private Acts of 1980 Chapter 201 .....</b>	<b>22</b>
<b>Part III .....</b>	<b>23</b>
<b>Private Acts of 2012 Chapter 69 .....</b>	<b>23</b>
<b>Private Acts of 1955 Chapter 165 .....</b>	<b>25</b>

Private Acts of 1988 Chapter 136 .....	27
Court System - Historical Notes .....	27
Chapter VI - Education/Schools .....	31
Board of Education .....	31
Private Acts of 1939 Chapter 413 .....	31
Consolidation of School Systems .....	32
Non-Binding Referendum .....	32
Private Acts of 2005 Chapter 53 .....	32
Teacher Pension .....	32
Private Acts of 1937 Chapter 788 .....	32
Private Acts of 1943 Chapter 423 .....	32
Private Acts of 1943 Chapter 443 .....	35
Education/Schools - Historical Notes .....	35
Chapter VII - Elections .....	37
Primary Election Costs .....	37
Private Acts of 1974 Chapter 341 .....	37
Elections - Historical Notes .....	37
Chapter VIII - Health .....	40
Garbage Disposal .....	40
Private Acts of 1988 Chapter 133 .....	40
Massage Registration Board .....	40
Private Acts of 1976 Chapter 274 .....	40
Chapter IX - Highways and Roads .....	42
Superintendent of Highways .....	42
Private Acts of 1997 Chapter 36 .....	42
Highways and Roads - Historical Notes .....	43
Chapter X - Law Enforcement .....	45
Offenses .....	45
Fireworks .....	45
Private Acts of 2004 Chapter 129 .....	45
Law Enforcement - Historical Notes .....	46
Chapter XI - Taxation .....	48
Litigation Tax .....	48
Private Acts of 1977 Chapter 127 .....	48
Taxation - Historical Notes .....	48

# Washington

**Originally Compiled By:** William C. McIntyre

**Revised and Edited By:** Steve Lobertini, Codification Specialist and  
Theodore Karpynek Administrative Assistant 1997

Washington County Court-  
house

**Updated By:** Stephen Austin, Legal Consultant 2022

# Chapter I - Administration

## Board of Public Utilities

### Private Acts of 1949 Chapter 856

**SECTION 1.** That in all Counties in Tennessee having a population of not less than 51,600, nor more than 51,700, according to the Federal Census for 1940 or any subsequent Federal Census, in which any one incorporated City or Town has acquired and is now operating an "electric plant", as defined in Section 2 of Chapter 32 of the Public Acts of 1935, (commonly known as the "Municipal Electric Plant Act"), and which "electric plant" was acquired and is now being operated under the provisions of said "Municipal Electric Plant Act," together with any other pertinent Act or Acts of Tennessee, in furnishing "electric service", as defined by said "Municipal Electric Plant Act" not wholly within the corporate limits of such incorporated City or Town, but also to persons residing outside thereof, within the County limits of such Counties and also within the corporate limits of any other incorporated City or Town within such Counties, the operation, management, improvement, and maintenance of such "electric plants" shall be in charge of a "supervisory body" or agency to be known as, the Board of Public Utilities of said Counties; and no discretionary power shall exist in the governing body or chief executive officer of such incorporated City or Town to operate such "electric plant" or supervise the same except by and through such Board of Public Utilities; and in the event such Board has been appointed and set up under the provisions of said "Municipal Electric Plant Act" or any similar provisions of law, such Board shall be continued under the provisions of Section 13 of Chapter 32 of the Acts of 1935, as aforesaid, or any similar provision of law, except as herein provided and if operating now under an established name, such Board may continue to function under such name, as enlarged under the provisions hereof.

**SEC. 2.** That in addition to the members of said Board of Public Utilities so appointed as aforesaid, under present or future provisions of law, and as now or hereafter constituted, said Board shall consist of two members to be appointed as members thereof by the governing body of such Counties; and also one member to be appointed by each incorporated City or Town within such Counties being furnished electric service by said "electric plant." The two original appointees to said Board to be named by the governing body of such Counties, shall serve for two and four years, respectively from and after their appointment or election thereto, and thereafter, one member shall be appointed or elected each two years to serve for a term of four years next after the date of appointment or election by such governing body; or until their successors have been named and appointed; and which appointments shall be made at any regular or special meeting of the governing body of such Counties occurring next after the passage of this Act, or at any subsequent sessions thereof as such governing body may elect. And such appointees shall have been residents of such Counties for not less than one year next preceding the date of appointment, and shall continue to be residents of such Counties while serving on said Board; and may or may not be members of the governing body for such Counties as it may elect. The appointees of any incorporated City or Town having the right to make such appointment under the provisions hereof within such Counties shall serve for a term of four years, and shall have been a resident of such incorporated City or Town not less than one year next\ before the date of appointment and shall continue to be a resident of such municipality while serving on said Board. Any vacancies occurring in said Board for any cause shall be supplied by the appointing power for the unexpired term of appointment; likewise, any member of said Board may be removed from said office by the appointing authority under the provisions of Section 13 of Chapter 32 of the Acts of 1935. And all members shall be compensated in the way and manner as now provided under the provisions of said "Municipal Electric Plant Act."

**SEC. 3.** That the declared intention and purpose of this Act is that of giving fair representation in the supervision and control of the "electric plant" and service to those persons not residing within the corporate limits of such incorporated City or Town as may have acquired an "electric plant" which serves persons residing outside the corporate limits of such incorporated City or Town and who, by virtue of charges and fees for such service, now considered vital to the growth and development of both urban and suburban areas, should have some representation in the management of the affairs thereof.

**SEC. 4.** That in all such Counties of this State as aforesaid, in which electric service is furnished from "electric plants" to persons residing outside the corporate limits of any incorporated City or Town which may have acquired such "electric plant" as herein set forth, such acquisition and holding shall be deemed to be in its "governmental" status rather than in its "proprietary" status.

**SEC. 5.** That in the event any section, paragraph, sentence, phrase, word or words of this Act be held unconstitutional or invalid for any reason by any Court or competent jurisdiction, such holding shall not

affect the remaining portions of this Act. All laws or parts of law in conflict with this Act being hereby expressly repealed. And this Act shall take effect from and after its passage, the public welfare so requiring it.

Passed: April 15, 1949.

## County Attorney

### Private Acts of 2022 Chapter 67

**SECTION 1.** The Office of the County Attorney for Washington County is hereby created and established and shall exist at all times from and after the date this act becomes a law.

**SECTION 2.** The County Attorney for Washington County shall be appointed or elected by the Washington County Board of County Commissioners (hereinafter referred to as "the County Commission"). The process shall be that the Washington County Mayor shall make a recommendation to the County Commission and the County Commission may receive additional nominations from the floor and will determine whom to appoint or elect by a majority vote. In the event the County Mayor fails to make a recommendation the County Commission deems to be timely, the County Commission may take nominations from the floor of any regular or called meeting and appoint or elect from those nominations. The County Commission may vote to remove a County Attorney at any time upon a two-thirds (2/3) majority vote of the County Commission regardless of any written or verbal agreement to the contrary. The terms, conditions, term of appointment and duties of the office of County Attorney shall be as set forth in a written agreement approved by the County Commission.

**SECTION 3.** It shall be the function and duty of the County Attorney to attend all meetings of the County Commission and render advice as to legal matters arising during such meetings; to render legal advice, legal opinions, and other legal services to the County and any of its officials, departments, offices, boards, and commissions; to attend to the day-to-day legal issues of the County; and to manage the County's legal department. It shall further be the function and duty of the County Attorney to prosecute all suits instituted by the County and to defend all suits brought against the County or any of its officials, departments, offices, boards, commissions, and employees; to represent the County at any hearings before any board or commission; to prepare resolutions at the request of the County Commission, its committees, or members; to notify the County Commission of all new litigation involving the County; and to update the County Commission periodically regarding the status of ongoing litigation. The County Attorney shall have authority to consult with and employ or retain outside counsel for special issues for which the County Attorney determines there is a need, to the extent there is funding available for legal services in the county budget. Additionally, if selected by the County Trustee and approved by the County Mayor as provided by general law, the County Attorney will act as the county's delinquent tax attorney without additional compensation and all statutory fees allocated by general law to the county's delinquent tax attorney shall be deposited in the general fund of Washington County and not be retained by the County Attorney.

**SECTION 4.** The office of the County Attorney for Washington County, at the discretion of the County Commission, may be established as a full-time or part-time office.

**SECTION 5.** The Washington County Commission under this act shall determine the compensation, term of office or length of contract of employment, duties and responsibilities, qualifications, job description, and operational needs of each attorney employed or retained by Washington County.

**SECTION 6.** The Washington County Board of County Commissioners may approve the retention of special counsel to represent Washington County or any of its officials, departments, offices, boards, commissions, and employees when the Board determines such counsel is needed. Absent any conflict of interest, the County Attorney will supervise/coordinate all litigation to which Washington County is a party, along with any external attorneys hired to represent Washington County, or any of its officials, departments, offices, boards, commissions, and employees except in the circumstance of litigation brought against Washington County by such officials, boards, and commissions as authorized by law.

**SECTION 7.** In the event that the County Attorney shall have a conflict of interest that prevents the County Attorney's representation of the County or any of its departments, officials, boards, or commissions in the prosecution or defense of any lawsuit, the County Mayor is authorized to employ, with the approval of the County Commission, another attorney or law firm for the purpose of representation in such suit.

**SECTION 8.** The County Attorney shall have the same powers and authority as Tennessee county attorneys have under general laws.

**SECTION 9.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Washington County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 10.** 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 9.

Passed: May 25, 2022.

## County Register

### Private Acts of 1933 Chapter 624

**SECTION 1.** That the County Register of Deeds of Washington County is hereby authorized to establish an office at Jonesboro in Washington County, Tennessee, in addition to the office maintained by the said Register of Deeds, at the County Seat.

The Register of Deeds of Washington County is authorized to appoint a Clerk who shall be employed in the said Jonesboro office and shall receive as compensation for his services the sum of Nine Hundred (\$900.00) Dollars per annum, which compensation shall be payable only out of the fees earned at the office of the County Register of Washington County.

**SEC. 2.** That this Act take effect at the expiration of the present Deputy Registers term of office, the public welfare requiring it.

Passed April 21, 1933.

## Donations to Nonprofit Hospitals

### Private Acts of 1949 Chapter 683

**SECTION 1.** That the Quarterly County Courts of all Counties in Tennessee having a population of not less than 51,600, nor more than 51,700, according to the Federal Census of 1940, or any subsequent Federal Census, be and they are hereby authorized and empowered to appropriate, by roll call and recorded vote, from their respective County treasuries, money to be expended in the erection or operation of non-profit hospitals, erected or operated or to be erected or to be operated in their respective Counties and to donate or contribute such sums of money annually, for either or both of said purposes, provided, however, that in no event shall the aggregate amount appropriated and donated or contributed to such hospitals, one or more, for either or both of said purposes, exceed the sum of \$25,000.00 in any one year.

**SEC. 2.** That upon such appropriation and donation or contribution being made for any one year, the amount thereof shall be included in the County budget and the tax levy of said county for said year and a special tax levied and collected therefor, or the same may be included in the levy for general County purposes.

**SEC. 3.** That upon such appropriation and contribution or donation being made for any year aforesaid, the County Judge or Chairman, acting with the County Trustee and the County Court Clerk, is fully authorized and empowered to make the money so appropriated and contributed or donated available to such hospital or hospitals and to pay the same in accordance with such appropriation and donation or contribution; and in event the funds are not immediately available therefor, to anticipate the tax levy for the particular year by the issuance and sale, at not less than par, warrant or warrants, bearing interest not exceeding \_\_\_% per annum, which shall be taken up or paid by the County Trustee upon such money being available from such tax levy, and such warrant or warrants shall not bear interest after the money is available for its or their payment.

**SEC. 4.** That as a condition to the exercise of the authority herein vested in any such Counties, such hospitals, acting by and through the authorized officers or representatives of the same, shall enter into a valid contract with the Quarterly County Courts as representing such Counties to furnish to and in behalf of such Counties hospital services without charge therefor up to ten per cent (10%) of the amount of the gross proceeds of hospital services received by such hospitals in each calendar year during which such contract remains in force and effect, with the exclusive right in such Counties, acting by and through such officials as the Quarterly County Court may designate by resolution for such purpose to determine the patients for whom or whose benefit said hospital services shall be rendered; provided, however, that only such patients shall be so designated as are either indigent and without apparent means of paying therefor, or employees of such Counties prior to the occasion for such hospital services, within the discretion and determination of the official or officials of such Counties so designated as aforesaid; with right or appeal to

the next regular session of the Quarterly County Court.

**SEC. 5.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 7, 1949.

## Public Defender

### Private Acts of 1972 Chapter 262

**SECTION 1.** Any county of this state having a population of not less than 73,900 nor more than 74,000 according to the Federal Census of 1970, or any subsequent Federal Census may create the office of Public Defender upon the adoption of a resolution establishing such under the provisions of this act when approved by a two-thirds vote of the Quarterly County Court of any such county.

**SECTION 2.** Immediately upon the creation of this office in any county the County Judge of said county, the Criminal Judge having jurisdiction in said County and the then President of the Local Bar Association of said county, shall by majority vote, nominate and recommend a Public Defender, who shall be a person licensed to practice law and at the next regular meeting of the Quarterly County Court of said county said Quarterly County Court shall approve or disapprove of the nominee chosen as set out above and if said nominee is approved, said nominee shall hold the office of Public Defender for a term of two (2) years commencing on the date said Public Defender is approved by the Quarterly County Court of said County. In the event of a vacancy in the office of Public Defender, a successor shall be chosen in the same manner as the said Public Defender was originally chosen. If the Quarterly County Court of said County does not approve of the nominee recommended, then the County Judge of said county, Criminal Judge having jurisdiction in said county, and the Local Bar president in said county by majority vote, nominate and recommend other persons for the office of Public Defender subject to the approval of said Quarterly County Court as set out above but they shall not be required to and if they do not, the office shall remain vacant. At the end of two years, a successor to this office shall be selected in the same manner as set out above and his term shall be for a term of four (4) years and his successor shall be selected every four (4) years thereafter as set out above.

**SECTION 3.** The duties of the Public Defender will be to provide himself with the assistance of employed deputies or with the assignment or attorneys made by the Courts before which he practices or lawyers in general practice, the service of defense for any indigent charged with crime at any level, or any person seeking relief from penalty or punishment imposed as a result of criminal action whether the proceeding or procedures by which that relief is sought to be considered criminal or civil, and, in addition, and in particular, to perform the duties required of counsel for indigents set forth in T.C.A. 40-2014, et seq.

**SECTION 4.** The salary of said Public Defender, his assistants, if any, salary of his secretary and that money furnished as office expenses shall not exceed that which is paid District Attorney General, Assistant Attorneys General (part-time), secretarial salaries and office expense funds as provided by the State of Tennessee in the judicial circuit wherein said county lies. The salaries of Public Defender, his assistants, if any, his secretary and office expense shall be within the limits as set out above and shall be set by resolution of the Quarterly County Court of said county. The number of assistant public defenders, if any, shall be determined by the amount of money made available by the County Court, and if no money is made available by the County Court, then the Public Defender shall not be authorized to hire any assistants.

**SECTION 5.** The Quarterly County Court in the county wherein the office of Public Defender is created, is hereby empowered and authorized to appropriate and disburse funds from the County General Fund for the establishment, operation, maintenance and salaries for the office of Public Defender. The Quarterly County Court is further authorized to accept and appropriate such funds, grants or donations as may from time to time be received for the establishment, operation and maintenance of said office from any other public or private agency or commission, including but not limited to the State of Tennessee, the United States Government, and any division or agency thereof.

**SECTION 6.** At the end of the two (2) year period or any time thereafter following the creation of the office of Public Defender in any county, the Quarterly County Court in said county shall not be required to appropriate funds for the continuance of this office and if said Quarterly County Court fails to appropriate funds for the continuation of this office, no successor shall be selected and the office shall remain vacant until said Quarterly County Court appropriates funds sufficient to pay for the operation of said office.

**SECTION 7.** The Public Defender shall take and file the Constitutional Oath of Office.

**SECTION 8.** Every person who shall be appointed Assistant Public Defender or a Deputy Public Defender



must be a licensed attorney in this State and citizen and resident of the county in which he is appointed. Every such appointment shall be made in writing and under the hand of the Public Defender, and filed in the Office of the Clerk of the Criminal Court of the county in which such appointment is made, and the person so appointed shall take and file with the Clerk of the Criminal Court the Constitutional Oath of Office before entering upon his duties. Every such appointment may be revoked at the pleasure of the Public Defender making same, which revocation shall be in writing and filed with the Clerk of the Criminal Court. Such Assistant or Deputy Public Defender may attend criminal courts and discharge the duties imposed by law upon or required of the Public Defender by whom he was appointed. The Public Defender may designate in writing, to be filed in the office of the Clerk of the Criminal Court, his assistant to be acting Public Defender in the absence from such county or other disability of the Public Defender. The assistant designated, shall, during such absence or disability of Public Defender, perform the duties of said office. Such designation may be revoked by the Public Defender in writing to be filed in the office of the Clerk of the Criminal Court.

**SECTION 9.** The Public Defender shall not engage in the private practice of law but may conclude all matters pending when selected. The Assistant Public Defender may engage in the Public Defender but in no case shall the Assistant Public Defender represent any person indigent or not indigent in any criminal proceeding in any Court.

**SECTION 10.** The Public Defender, once selected, cannot be removed during the term of office for which he was selected except for cause and his salary during the period for which he is selected shall not be reduced. The Public Defender may be removed for cause only after charges specified, due notice given, and a hearing before a panel of Judges made up of all Judges who have jurisdiction within the Counties that the Public Defender serves. This panel shall include all Circuit Judges (both civil and criminal) and Chancery Judges. Their decision shall be administrative and sufficient to either set the charges aside, or by a two-thirds vote, to remove a Public Defender from office.

**SECTION 11.** This Act shall take effect on becoming a law, the public welfare requiring it.  
PASSED: March 8, 1972.

## Administration - Historical Notes

### County Clerk

The following acts once affected the office of county clerk in Washington County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 14, made women over the age of 21 eligible to be appointed, and to serve, as deputy clerks in Washington County.
2. Private Acts of 1933, Chapter 609, provided for the appointment of deputies to the county court clerk of Washington County.
3. Private Acts of 1933, Chapter 628, authorized the Washington County Court Clerk to appoint assistants and fixed their compensation.
4. Private Acts of 1933, Chapter 651, set the maximum compensation of the Washington County Court Clerk at \$3,250 per annum.

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Washington County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1794, Chapter 8, set the time for holding the Washington County Court on the third Mondays in February, May, August and November.
2. Acts of 1797, First Session, Chapter 6, set the time for holding the court of pleas and quarter sessions court in Washington County on the first Monday of February, May, August and November.
3. Acts of 1809, First Session, Chapter 93, set the time for holding the courts of pleas and quarter sessions in Washington County on the first Monday of February, May, August and November.
4. Private Acts of 1821, Chapter 127, set the time for holding the court of pleas and quarter sessions in Washington County to the second Monday of January, April, July and October.
5. Private Acts of 1831, Chapter 227, changed the times for holding the Washington County Court to the third Mondays in January, April, July and October.

6. Private Acts of 1833, Chapter 86, authorized the county court of Washington County at their discretion to collect and have securely bound in one or more books all the records of said court.
7. Private Acts of 1921, Chapter 921, set the per diem compensation of justices of the peace while attending the Washington County Quarterly Court at \$4.00.
8. Private Acts of 1929, Chapter 18, validated the issuance of \$500,000 in funding bonds used by Washington County, dated January 1, 1929, and the proceedings of the quarterly county court which authorized said bonds and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said bonds.
9. Private Acts of 1931, Chapter 187, validated the issuance of \$500,000 in funding bonds used Washington County, dated January 1, 1931, and the proceedings of the quarterly county court which authorized said notes, and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said notes.
10. Private Acts of 1937, Chapter 83, validated all actions taken by the Washington County Court in regard to a \$200,000 bond issuance dated January 1, 1937.
11. Private Acts of 1961, Chapter 85, set the time for holding the Washington County Quarterly Court on the first Mondays in January, April, July and October.

### **County Mayor**

The references below are of acts which once applied to the office of county judge or county executive in Washington County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 711, created and regulated the office of county judge for Washington County. The act fixed the county judge's salary, defined his duties and jurisdiction, fixed the term of office and abolished the office of the chairman of the Washington County Court. This act was repealed by Private Acts of 1935, Chapter 41.
2. Private Acts of 1935, Chapter 42, as amended by Private Acts of 1937, Chapter 434, Private Acts of 1949, Chapter 682, and Private Acts of 1955, Chapter 49, created in all counties having a population of not less than 45,805, nor more than 45,820, according to the Federal Census of 1930, the office of chairman of the county court. Such officer received as compensation for his services the sum of \$7,000 per annum and of that amount \$1,000 was deemed to be reimbursable expenses to the chairman in the discharge of his duties including travel within the county. The chairman was elected by the qualified voters for a term of four (4) years.
3. Private Acts of 1949, Chapter 682, amended Private Acts of 1935, Chapter 42, so as to increase the term of the office of county chairman, increase the compensation of said office and to define the qualifications of the person elected to or holding said office. This act was repealed by Private Acts of 1955, Chapter 48.

### **County Register**

The following acts once affected the office of county register in Washington County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1825, Chapter 18, provided that it was to be the duty of the surveyor general who last held the office in the sixth district to deposit all the books and other documents belonging to said office, with the county register of Washington County. The county register of Washington County was directed to give copies of plats and certificates of survey to any person or persons entitled to the same, in all cases where the original plats and certificates may have been lost or mislaid.
2. Public Acts of 1826, Chapter 42, provided that the county register of Washington County certify any balances of warrants in the sixth surveyor's office.
3. Private Acts of 1831, Chapter 162, provided that all deeds of conveyances and other instruments of writing registered in Washington County be good and valid in law and equity as if the same had been indorsed and certified in the most formal and legal manner. The deeds of conveyances were allowed to be read as evidence on trails at law or in equity, in all cases.
4. Private Acts of 1933, Chapter 646, fixed the maximum compensation of the Washington county register at \$3,250 per annum.

### **County Trustee**

The following acts once affected the office of county trustee 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 1933, Chapter 625, provided for the appointment of a deputy trustee for Washington County and fixed his compensation.
2. Private Acts of 1933, Chapter 626, provided for the appointment of a deputy trustee at Jonesborough, Washington County.
3. Private Acts of 1933, Chapter 627, fixed the maximum compensation of the Washington County Trustee at \$3,250 per annum.

### **County Attorney**

The following acts once affected the office of county attorney 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 2012, Chapter 69, created the office of county attorney for Washington County.
- Private Acts of 2015, Chapter 15, abolished the office of county attorney for Washington County.

### **Purchasing**

1. Acts of 1779, Laws of North Carolina, Chapter 29, allowed settlers and inhabitants lying between the Holston River and the State of Virginia to have additional time for entering their respective lands, plantations and improvements until the first day of May.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Washington County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 37, appointed commissions to settle the accounts of the commissions who had overseen the construction of the courthouse and jail in Washington County, as provided in Acts of 1794, Chapter 15. This act was repealed by Acts of 1801, Chapter 66.
2. Acts of 1801, Chapter 4, authorized the governor of the state to procure correct and authentic copies of land entries which were made in the office of John Carter, late entry taker of Washington County.
3. Acts of 1805, Chapter 1, prevented the exportation of unmerchantable commodities. The places of inspection in Washington County were at Jonesborough, Brownsborough, Peter Range's mill and Boon's Creek.
4. Acts of 1805, Chapter 71, appointed Isaac Depew, Joseph Young and Joseph Brown of Washington County as commissioners to contract for the public buildings and regulation of the Town of Jonesborough.
5. Acts of 1811, Chapter 79, established a bank in Knoxville with a capital stock of \$400,000 which was divided among subscribers from several counties. David Deaderick, John M'Alister Jr. and Adam M'Kee of Washington County received 440 shares of the capital stock.
6. Acts of 1812, Chapter 19, dissolved the bonds of matrimony between Elizabeth Woods and her husband John Woods of Washington County.
7. Acts of 1812, Chapter 21, authorized the commissioner of East Tennessee to issue a duplicate certificate land warrant for sixty-eight acres to Joseph Brown of Washington County.
8. Acts of 1813, Chapter 92, authorized the treasurer of East Tennessee to reimburse to Joseph Brown, sheriff and collector of Washington County, the sum of \$33.13½, which sum was over and above what he was bound to pay in taxable property.
9. Private Acts of 1819, Chapter 81, authorized the removal of the surveyor's office of Alexander M. Nelson, of the sixth district, from Jonesborough in Washington County to Greenville in Greene County.
10. Private Acts of 1825, Chapter 170, authorized a standard keeper to procure stamps and to stamp commodities as to the proper measure for Washington County.
11. Private Acts of 1829-30, Chapter 213, authorized a survey of Washington County to determine the number of square miles therein.
12. Private Acts of 1832, Chapter 16, extended the privileges granted to Samuel Mock in erecting and extending his dam in the Nolichucky River in Washington County, provided that he did not obstruct the navigation of said river.

13. Private Acts of 1832, Chapter 124, provided that Benjamin Drane of Washington County have the privilege of making void an entry for twenty-four acres in the sixth surveyor's district, founded on part of warrant No. 1,242, originally issued to John Warren for two hundred acres.
14. Private Acts of 1833, Chapter 119, dissolved the bonds of matrimony between Rebecca Kelly and Jesse Kelly of Washington County.
15. Private Acts of 1833, Chapter 151, authorized the Washington County Court to emancipate the slaves of the estate of John Gates, deceased.
16. Private Acts of 1833, Chapter 163, authorized the Washington County Court, upon application of Joseph Hunter, to emancipate the slave of the late John Hunter.
17. Private Acts of 1833, Chapter 190, authorized Amos Holloway to stamp and seal measures agreeable to the proper standard of Washington County.
18. Acts of 1851-52, Chapter 191, Section 20, authorized the counties of Washington, Jefferson, Greene, Hawkins, Carter, Sullivan, Grainger and Warren to take stock in the Nashville, Franklin and Columbia Railroad Company.
19. Acts of 1855-56, Chapter 106, prescribed the duty of the Washington County Court in disposing of the sinking fund of said county created to pay railroad stock.
20. Private Acts of 1857-58, Chapter 142, ratified and confirmed all of the official acts of Joseph R. Simpson and his deputies, Jonathan H. Tucker and Alexander Mathis of Washington County, acting in the capacity of surveyors.
21. Private Acts of 1869-70, First Session, Chapter 57, Section 85, incorporated the Washington County Agricultural and Mechanical Society.
22. Private Acts of 1919, Chapter 496, provided for the compensation for services of citizens of Washington County who may have been appointed as officers, judges, clerks, registrars, or assistant registrars, to hold or assist in holding elections in the county.
23. Private Acts of 1923, Chapter 330, limited the powers of the county workhouse commission and regulated the expenditure of county road funds in Washington County.
24. Private Acts of 1937, Chapter 901, empowered the Washington County Court to provide for the establishment of districts or zones within those portions of the county which lie outside of municipal corporations and empowered said county court to regulate, within such zones or districts, the location, height and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density and distribution of population and the uses of land, buildings and structures. This act was repealed by Private Acts of 1989, Chapter 52.
25. Private Acts of 1970, Chapter 310, would have authorized Washington County to negotiate contracts for the sale of crushed rock; however, this act was rejected by the local authorities and thus did not become law.
26. Private Acts of 1978, Chapter 296, provided that no solid waste disposal system or landfill area would be put into operation or constructed without prior approval of the governing body over the site of the location. Fines were set up for those violating the terms of this act. We were not able to verify local ratification of this act
27. The following act once affected the purchasing procedures of Washington County, but it is no longer operative.
28. Private Acts of 1989, Chapter 52, which established the office of county zoning administrator for Washington County, was repealed by Private Acts of 2015, Chapter 16.

## Chapter II - Animals and Fish

### Animal Control Program

#### Private Acts of 1986 Chapter 167

**SECTION 1.** By Resolution of its county legislative body, Washington County is authorized to establish and administer an animal control program, to appropriate funds for such program, to employ personnel, to establish reasonable fees for services performed under such program, to make rules and regulation governing vaccination and the control of dogs and cats not in conflict with the general law, to establish civil penalties not to exceed fifty dollars (\$50.00) per occurrence for violation of such rules and regulations, to enforce the laws preventing cruelty to animals, with authority vested in the Washington

County - Johnson City Animal Center, to contract with any municipality located in the county for the purpose of effectuating an animal control program in the county, and to allocate responsibilities and funding of an animal control program between the county and any contracting municipalities according to the contract approved by the county legislative body, and to do all things necessary or appropriate in accomplishing the above stated goal, not in conflict with the general state law, to enforce Tennessee Code Annotated, Section 39-14-202, the prevention of cruelty to animals.

As amended by: Private Acts of 1990, Chapter 145,  
Private Acts of 2000, Chapter 88.

**SECTION 2.** 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 of Washington County and certified by him to the Secretary of State.

**SECTION 3.** 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 the 25th day of November, 1986.

PASSED: April 7, 1986

## Foxes

### Public Act of 1985 Chapter 331

**SECTION 1.** It shall be unlawful to take or kill foxes in Washington County.

**SECTION 2.** All laws or parts of laws in conflict with this Act are hereby repealed.

**SECTION 3.** This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 2, 1985.

## Livestock Inspector

### Private Acts of 1953 Chapter 243

**SECTION 1.** That in counties of this State with a population of not less than 59,500, nor more than 60,000, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding three animal inspectors. It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said county and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (10.00) Dollars per annum for each inspector so appointed. Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for period of two years from the date of such election. The said County shall not be liable for the default or negligence of any such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 26, 1953.

## Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on hunting, fishing or animal control in Washington County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1820, Chapter 22, authorized William Massengill to retain his fish dam on the Watauga River provided that he did not obstruct the navigation of the river.
2. Private Acts of 1823, Chapter 69, authorized John Hoss, William Massengill and John Houston of Washington County to rebuild their fish traps in the Watauga River, but made them liable for any boats grounding thereon.

3. Private Acts of 1829-30, Chapter 302, authorized the county court of Washington County to appoint commissioners to superintend the removal of fish traps and dams in the Nolichucky River.
4. Private Acts of 1868-69, Chapter 26, authorized David and Daniel Regan to build a fish trap in the Nolichucky River within one mile of the mouth of Little Limestone Creek.
5. Public Acts of 1887, Chapter 71, made it a misdemeanor to kill partridge, quail, woodcock, pheasant or wild turkey, or to export such birds, in Washington County from April 1 to October 1.
6. Public Acts of 1893, Chapter 31, made it a misdemeanor to hunt or kill any partridge or quail in Washington County for a period of five years from the passage of the act.
7. Public Acts of 1899, Chapter 114, made it a misdemeanor to hunt or kill any partridge or quail in Washington County for a period of five years from the passage of the act.
8. Public Acts of 1899, Chapter 359, exempted Washington County from Public Acts of 1895, Chapter 359, the general law prohibiting fishing with nets, traps or baskets.
9. Acts of 1903, Chapter 450, exempted Washington County from the law requiring owners to keep their livestock on their own premises.
10. Acts of 1903, Chapter 455, established and made lawful a four wire, three plank or three rail or slate fence in Washington County.
11. Acts of 1905, Chapter 496, made it a misdemeanor for an owner to allow his livestock to run at large in Washington County.
12. Acts of 1905, Chapter 515, amended Acts of 1903, Chapter 169, the general game law, so as to provide that squirrels may be caught and killed in Washington County at anytime.
13. Acts of 1907, Chapter 185, amended Acts of 1903, Chapter 169, the general game law, so as to provide a "no close season" on squirrels in Washington County.
14. Acts of 1907, Chapter 213, made it a misdemeanor for an owner to allow his livestock to roam freely in Washington County.
15. Private Acts of 1911, Chapter 155, made it unlawful for the owners of livestock to permit them to run at large in Washington County. This act also provided for a remedy for damage committed by such livestock when allowed to run at large in violation of this act.
16. Private Acts, 1913, Chapter 271, made it a misdemeanor to hunt quail or partridge in Washington County for a period of five years from passage of the act.
17. Private Acts, 1915, Chapter 593, made it a misdemeanor to hunt or kill foxes, disturb their den or set traps for them (except around the owner's house or chicken house) in Washington County. This act was amended by Private Acts of 1917, Chapter 135, so as to make it unlawful for any person to shoot any fox, destroy the den of any young fox or foxes, or to catch any foxes in Washington County.
18. Private Acts, 1915, Chapter 608, provided that from the last day in July to March 15th, fish could be caught by seine or trap or shot with a gun provided that the fishermen has permission of the owner of the land through which the stream runs. This act was amended by the Private Acts of 1919, Chapter 4, so as to provide additional legal means of fishing during this period.
19. Private Acts, 1915, Chapter 613, made it a misdemeanor to kill or take quail or partridges from January 1 to November 20 in Washington County.
20. Private Acts, 1921, Chapter 405, exempted Washington County from the provisions of Public Acts of 1919, Chapter 61, the general act licensing and regulating ownership of dogs.
21. Private Acts, 1923, Chapter 642, made it a misdemeanor to kill or take quails and partridges from November 25 to January 15 each year in Washington County.
22. Private Acts, 1929, Chapter 753, prohibited the hunting of quail if the ground was covered with snow. This act also provided that it was unlawful to hunt wild turkeys for two years from passage of the act.
23. Private Acts, 1931, Second Extra Session, Chapter 76, permitted the fishing with nets or traps in all streams in Washington County provided that the mesh was 2" or more.
24. Private Acts, 1935, Chapter 646, regulated the hunting and selling of gray foxes and rabbits in Washington County.
25. Private Acts of 1935, Chapter 684, allowed fishing in the Nolichucky and Watauga Rivers by Washington County residents with fish baskets, provided that the fish were for the fishermen's own use and not for sale.

26. Private Acts of 1953, Chapter 542, provided for a closed season upon foxes at all times in Washington County.
27. Private Acts of 1985, Chapter 62, would have authorized Washington County to establish and support an animal control program and to contract with local municipalities for this purpose, however, this act was disapproved by Washington County and never became law.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Washington County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Buildings**

1. Private Acts of 1911, Chapter 288, authorized Washington County to issue and sell \$50,000 of bonds for the purpose of building a courthouse at Jonesborough.
2. Private Acts, 1915, Chapter 3, authorized Washington County to issue bonds for assisting in building a courthouse at Johnson City in said county. The act provided for the regulation of the bonds and a tax levy and sinking fund for the same.
3. Private Acts, 1927, Chapter 405, authorized Washington County to borrow money and issue negotiable interest bearing revenue anticipation bonds, notes or warrants, and apply a special tax levy of 30 cents on every \$100 for workhouse purposes.
4. Private Acts, 1935, Chapter 578, authorized Washington County to issue \$75,000 in interest bearing coupons, to bear an interest rate of 5% and to levy an annual tax for the retirement of said bonds, for the purpose of purchasing, altering and equipping a lot and building a courthouse in Johnson City.
5. Private Acts, 1941, Chapter 450, authorized Washington County to repair, recondition and/or equip its courthouse in Johnson City by borrowing \$5,000 upon revenue anticipation notes.

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, authorized Washington County to issue coupon bonds for the amount of the indebtedness of said county; no debt was to be paid which was made to aid the Confederacy during the Civil War.
2. Private Acts, 1937, Chapter 84, was a bond issuance of \$50,000 dollars to be used to pay off the outstanding floating indebtedness of Washington County. These bonds were to bear interest at a rate not to exceed 6%.
3. Private Acts of 1937 (2nd Ex. Sess.), Chapter 1, validated \$55,000 of refunding bonds of Washington County, dated October 1, 1937, authorized by the quarterly county court of said county.
4. Private Acts, 1941, Chapter 449, authorized Washington County to issue \$10,000 in additional schoolhouse bonds to refund short term notes issued for schoolhouse purposes.

#### **Roads**

1. Acts of 1903, Chapter 160, authorized the voters of Washington County to vote upon the issuance of interest bearing bonds to be used in the making and improvement of macadamized and other public roads and bridges.
2. Acts of 1907, Chapter 483, authorized Washington County to issue and sell interest bearing coupon bonds for the building of roads, macadamized roads, turnpikes and bridges, and the improvement of the public highways in said county.
3. Private Acts of 1911, Chapter 612, authorized Washington County to issue interest bearing bonds of up to \$60,000 for the purpose of locating and building public roads and bridges. This act was repealed by Private Acts of 1978, Chapter 198.
4. Private Acts, 1915, Chapter 124, authorized Washington County to issue and sell interest bearing coupons bonds for the purpose of building roads, macadamized roads, or other hard surfaced roads, turnpikes and bridges, and improving of the public highways in said county. A tax levy was provided to pay the principal and interest of said bonds and a board of road commissioners. This act was amended by Private Acts of 1915, Chapter 658, so as to call an election to vote upon the



question of issuing bonds under said act at any time within one year from the date of the passage of said act. Private Acts of 1915, Chapter 124, was repealed by the Private Acts of 1917, Chapter 6.

5. Private Acts, 1917, Chapter 25, authorized a bond issuance of 750,000 dollars at a rate of interest not to exceed 5%, to build and maintain roads in Washington County. This act was amended by Private Acts of 1917, Chapter 131, so as to provide that the Memphis/Bristol Highway be macadamized to the width of at least fourteen feet. Chapter 131 also provided that the bonds be negotiable and that the roads be macadamized in a uniform depth throughout Washington County. Private Acts of 1917, Chapter 25, was further amended by Private Acts of 1919, Chapter 306, which provided that the Washington County Good Roads Commission determine the reasonable and just cost of grading and macadamizing the roads in the country districts once the bonds were sold and the funds were available. Private Acts of 1921, Chapter 688, amended Private Acts of 1917, Chapter 25, so as to set the amount of money from the proceeds of the sale of bonds, which was expended for actual construction on contractor's estimates. Private Acts of 1917, Chapter 25, was amended by Private Acts of 1978, Chapter 198.
6. Private Acts, 1927, Chapter 405, authorized Washington County to borrow money and issue negotiable interest bearing revenue anticipation bonds, notes or warrants, and apply a special tax levy of 20 cents on every \$100 for the construction, maintenance and upkeep of roads.
7. Private Acts, 1941, Chapter 448, authorized Washington County to borrow money for the purpose of repairing and erecting bridges upon any of the highways or public roads in said county.

### **Schools**

1. Private Acts, 1931, Chapter 657, authorized Washington County to issue and sell \$300,000.00 of school bonds for the purpose of erecting, repairing and equipping certain schools in Washington County.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 68, authorized Washington County to issue and sell \$200,000 of interest bearing coupons for the purpose of providing funds to build, repair and reconstruct school houses and provide for the retirement of said bonds.

## Chapter IV - Boundaries

### Acts of 1796 (First Session)

**COMPILER'S NOTE:** The following is the only section of this act which affects Washington County, the remaining sections have been omitted.

**SEC. 1.** That the county of Washington be divided by a line as follows, to wit.--Beginning on the line that divides this state from the state of North Carolina, at a point from which a line to be drawn due north, will strike the house of George Haines--thence the nearest direction to the top of the Buffaloe mountain--thence along the heights of the said mountain, to the high knob on the same, near the north end thereof-- thence a direct line to the house where Jonathan Tipton, Junior, now lives, leaving said house in Washington county-- thence a direct line to the south bank of Watauga river, at Jeremiah Dungan's ford--thence due north to the Sullivan line; and all that part lying to the east of said lines, henceforth be erected into a new and distinct county, by the name of Carter.

## Creation of the County

### Laws of North Carolina 1777 Chapter 31

**COMPILER'S NOTE:** Washington County was created by the legislature of North Carolina while the area that was later to be Tennessee, was a part of North Carolina. The statute set out here is from the Acts of North Carolina. There were other North Carolina Acts altering the boundaries of Washington County but they are not included in this compilation.

**1.** That the late district of Washington, and all that part of this state comprehended within the following lines, shall be erected into a new and distinct county, by the name of Washington county, viz. Beginning at the most north westerly part of the county of Wilkes, on the Virginia line; thence running with the line of Wilkes county, to a point thirty-six miles south of the Virginia line; thence due west, to the ridge of the great iron mountain which heretofore divided the hunting grounds of the Overhill Cherokees, from those of



the middle settlements, and valley; thence running a south westerly course, along the said ridge, to the Unacoy mountain, where the trading path crosses the same from the valley to the overhills; thence south with the line of this state, adjoining the state of South Carolina; thence due west, to the great river Mississippi; thence up the said river (with) the courses thereof, to a point due west from the beginning; thence due east with the line of this state, to the beginning; And it is hereby declared, that all that part of this state comprehended within the lines aforesaid, shall from henceforth be and remain the county of Washington, and shall be, and is hereby declared to be part of the district of Salisbury.

## Change of Boundary Lines

### Public Acts of 1881 Chapter 145

**SECTION 1.** That the line between the county of Greene and the counties of Washington and Unicoi be and the same is hereby changed as follows: Beginning at a point where said line crosses the road leading from Horn creek to Carset creek in the lane between the farms of Alfred Painter and Thomas Painter and running thence south 25 degrees east 1 mile to the top of Cannon Knob, thence south 25 degrees east 4 miles to the top of Wilson Knob, thence south 25 degrees west to Low Gap in Flint Mountains to the North Carolina line, so as to include in Greene county all that territory lying between said line and the North Carolina line and the line as it now runs.

**SEC. 2.** That this act take effect from and after its passage, the public welfare requiring it.  
Passed: April 4, 1881.

### Public Acts of 1980 Chapter 795

**SECTION 1.** The boundary line between the counties of Greene and Washington is hereby changed by detaching from the county of Greene and attaching to the county of Washington, that part of the hereinafter described territory, which is now lying in Greene County, to wit:

A parcel or tract of land lying partially in the first district of Washington County and partially in Greene County, and beginning at a post in the outside line and corner to tract sold to Roy Brown, thence N 5½ E 91½ poles to a pine stump; thence S 87½ E 109½ poles to a stake in the road; thence S 2 W 14 poles to a stake, Foxes corner; thence with his line three courses, N 85 W 12 poles to a post; S 6½ W 20 poles to a post; S 87 E 12½ poles to a stake in the road; thence S 11 W 28¼ poles to a stake in the road; thence N 67 W 9-3/5 poles to a stake in the turn of the road; thence S 5½ W 33-4/5 poles to a stake in the forks of the road; thence with another road and Roy Brown's line N 87 W 99 poles to the beginning, containing 59.2 acres, more or less.

A parcel or tract of land now lying partially in the first district of Washington County and partially in Greene County and beginning at a planted rock, Ed Treadway line, white oak, Sourwood and Maple pointers and corner to I.W. Brown, thence 83-3/4 W 58-3/25 poles to a planted rock in Ira Brown's line, thence with his line S 2-3/4 W 28-17/25 poles to a planted rock post oak pointers, thence S 85-2/5 E 62-3/25 poles, thence N 3 E 17-3/5 poles to a planted rock; thence W 4-4/5 poles to a planted rock, Ed Treadway corner, thence N 2-3/4 E 9½ poles to the place of beginning, containing 10½ acres be the same more or less; and a second tract, adjoining the lands of Ira Brown and others, beginning at a planted rock Ira Brown's corner; thence with line N 77¼ W 57 poles to a planted rock Sourwood, Black Gum, White Oak pointers, thence N 2-3/4 E 29-6/25 poles to a planted rock post oak pointers, thence S 85- 2/5 E 57-8/25 poles to a planted rock, Sourwood pointers, thence S 3 W 29-6/25 poles to the place of beginning, containing 10 acres to be the same more or less; and a third tract, beginning at a stake in the road, corner to Howser and Corby, then north with Corby's line 168 feet to a rock, then east with Corby's line 51 feet to a rock, at the road, then with the road 175 feet to the beginning. A parcel or tract of land now lying partially in the first district of Washington County and partially in Greene County, and beginning at a rock on Broyles line, then N 19 poles to a rock in said line, then west 12 poles to a rock near a white oak, then south 20 poles to a rock near Burgners corner in Broyles line, then east 12 poles to the beginning. Containing 1½ acres more or less.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.  
PASSED: March 26, 1980.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Washington County.

1. Acts of 1779, Laws of North Carolina, Chapter 29, created Sullivan County out of parts of Washington County.
2. Acts of 1797, Chapter 12, authorized Nathan Shipley of Washington County and John Anderson of

- Sullivan County to define the boundary line between the counties of Washington and Sullivan starting at the head of Indian Creek to the highest part of the Chimney Top Mountain.
3. Acts of 1801, Chapter 54, appointed James Patterson as surveyor and John Parker as marker on the part of Greene County, and Joseph Brown surveyor and George Davis as marker on part of Washington County, to run and mark the line between the counties of Washington and Greene.
  4. Acts of 1809, First Session, Chapter 27, altered the boundary lines between Washington and Carter counties to place the farm of Elihu Embree in Carter County.
  5. Private Acts of 1832, Chapter 46, authorized the county courts of Washington and Greene counties to appoint a qualified surveyor for the purpose of running and marking the dividing line between the said counties.
  6. Acts of 1837-38, Chapter 192, attempted to create Powell County which would have been formed out of parts of Washington, Hawkins, Sullivan and Greene counties had the majority of the people in the affected areas voted to leave their respective counties.
  7. Acts of 1839-40, Chapter 15, was yet another attempt to form Powell County out of Washington, Sullivan, Hawkins and Greene counties, the formation of which was subject to approval by a majority of the voters in the affected area.
  8. Acts of 1845-46, Chapter 47, altered the boundary line between Sullivan and Washington Counties so as to place the farms of James Heltern and James Meredith in Sullivan County.
  9. Acts of 1853-54, Chapter 89, attempted to create Powell County out of portions of Washington, Sullivan, Hawkins and Greene counties, subject to the approval by referendum of the people living in the affected areas.
  10. Public Acts of 1869-70 (1st Sess.), Chapter 30, again sought to create Powell County out of portions of Washington, Sullivan, Hawkins and Greene counties, all subject to the approval by referendum of the people living in the affected areas.
  11. Public Acts of 1869-70 (1st Sess.), Chapter 88, changed the boundary line between Washington and Powell County so as to make a straight line from the point where the counties of Washington, Greene and Powell corner in the west to the point where the counties of Washington, Sullivan and Powell corner in the east.
  12. Public Acts of 1869-70 (2nd Sess.), Chapter 1, altered the boundary lines between Washington and Sullivan Counties so as to place the farms of A.R. Moulton, T.H. Reeves, W.A. Keene, P.C. Morrison, Sarah Vincent, George Vincent, John Hunt, Vanzant Morgan, Eli Keene, Mr. Ballard and J.H. Crouch in Washington County. This act was confirmed by Public Acts of 1871, Chapter 93.
  13. Public Acts of 1869-70 (2nd Sess.), Chapter 21, altered the boundary line between Carter and Washington counties so as to place the farm of H.P. Phillips in Carter County.
  14. Public Acts of 1877, Chapter 48, established the boundary line between Washington and Unicoi counties as run by the surveyor of Washington County and reported by him to the county court of said county.
  15. Public Acts of 1881, Chapter 147, changed the boundary line between Washington and Unicoi counties so as to include the lands of James E. Deakins, A. E. Jackson and James Luttrell in Washington County.
  16. Public Acts of 1891, Chapter 142, altered the boundary line between Greene and Washington Counties to place the farms of G.M. Gillispie, A.E. Gillispie, Thomas C. Williams and George T. Harris in Washington County.
  17. Public Acts of 1895, Chapter 176, altered the boundary line between Washington and Greene counties to place the farm of Benjamin Keelber in Washington County.
  18. Public Acts of 1899, Chapter 171, changed the boundary line between Carter and Washington counties so as to place the entire farm of H.B. Huston in Carter County. This act was repealed by Private Acts of 1915, Chapter 646.
  19. Private Acts of 1901, Chapter 176, changed the boundary line between the counties of Washington and Greene so as to make the east line of the farm of George H. Hartsell, of the fifteenth civil district of Washington County, the line between the two counties.
  20. Private Acts of 1941, Chapter 451, transferred the property of J. T. E. Williams from the eighth to the fifteenth civil district of Washington County.
  21. Private Acts of 1947, Chapter 17, changed the boundary line between the ninth and tenth civil districts of Washington County.

22. Public Acts of 1972, Chapter 450, altered the boundary line between Washington and Greene Counties to place the lands of Samuel Waddle in Greene County.
23. Public Acts of 1973, Chapter 79, altered the boundary line between Greene and Washington to place the lands of Annald and Beltro Nhomburg in Greene County.
24. Public Acts of 1973, Chapter 102, altered the boundary line between Greene and Washington to place the lands of Zule Dolen Hunt and Frances Hite in Washington County.
25. Public Acts of 1982, Chapter 855, realigned the boundaries between Greene County and Washington County by detaching from Greene County and attaching to Washington County the land described in this Act, containing 10 acres, more or less, but excepting 1.85 acres which had been sold to C. C. Fox by the owner, Charlie Brown.

## 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.

## **Chapter VI - Education/Schools**

### **Board of Education**

### **Private Acts of 1939 Chapter 413**

**SECTION 1.** That in all counties having a population of not less than 45,805, nor more than 45,820, according to the Federal Census of 1930, or any subsequent Federal Census, there is hereby created a County Board of School Directors, which shall consist of one member from each of the nine school ones, or School Districts, created by this Act, and to which this Act shall apply, the same to be known and designated as the County Board of School Directors. The members of said Board of School Directors shall be elected by the qualified voters of his or her respective School Zone, and shall not be required to be voted upon by the entire County, but expressly limited to the particular School Zone from which said candidate seeks election.

**SECTION 2.** That there are hereby created in said counties the following nine School Zones or School Districts composed of the territory hereinafter described and bounded as follows:



Zone No. 1, or School District No. 1, shall be composed of Civil District No. 15.  
Zone No. 2, or School District No. 2, shall be composed of Civil Districts Nos. 12 and 14.  
Zone No. 3, or School District No. 3, shall be composed of Civil Districts Nos. 10 and 11.  
Zone No. 4, or School District No. 4, shall be composed of Civil Districts Nos. 3, 16, and 18.  
Zone No. 5, or School District No. 5, shall be composed of Civil Districts Nos. 4, 6, and 8.  
Zone No. 6, or School District No. 6, shall be composed of Civil District No. 9.  
Zone No. 7, or School District No. 7, shall be composed of Civil Districts Nos. 1 and 2.  
Zone No. 8, or School District No. 8, shall be composed of Civil Districts Nos. 7, 13, and 17.  
Zone No. 9, or School District No. 9, shall be composed of Civil District No. 5.

## Consolidation of School Systems

### Non-Binding Referendum

#### Private Acts of 2005 Chapter 53

**SECTION 1.** That Washington County, Tennessee, shall be authorized to hold a countywide non-binding referendum, concurrent with the May 2006 county election, on the question, Do you favor the consolidation of the Johnson City school system and the Washington County school system into one school system

**SECTION 2.** That any such referendum held shall be at the sole expense of Washington County.

**SECTION 3.** That this act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Washington County Board of County Commissioners. Its approval or non approval shall be proclaimed by the presiding officer of the Washington County Board of County Commissioners and certified by the presiding officer of the Washington County Board of County Commissioners to the secretary of state.

**SECTION 4.** That for the purposes of approving or rejecting the provisions of this act, it shall become effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided by Section 3. May 9, 2005.

## Teacher Pension

### Private Acts of 1937 Chapter 788

**SECTION 1.** That counties in the State of Tennessee, having a population of not less than 45,800 nor more than 45,810, according to the Federal Census of 1930 or any subsequent Federal Census, be, and are hereby authorized to retire from active service and to grant pensions to persons who have taught in the county schools for twenty-five years or more. Such pensions shall not exceed in amount the sum of Fifty Dollars (\$50.00) nor under (\$30.00) per month.

**SEC. 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.  
Passed: May 21, 1937.

### Private Acts of 1943 Chapter 423

**SECTION 1.** That in all Counties in the State of Tennessee, having a population of not less than 51,600, nor more than 51,700, according to the Federal Census of 1940, or any subsequent Federal Census, the County Boards of School Directors, and the County Court of such Counties, be and the same are hereby authorized to create a fund, in the manner hereinafter provided, to be known as the Department of Education's Insurance and Retirement Fund, which fund shall be for the benefit of the employees and their beneficiaries of the Department of Education of said Counties, as provided in this Act.

**SEC. 2.** That the County Board of School Directors shall, after it has adopted a budget for the Departments of Education each year, add to said budget an amount which shall be not less than three per cent of the budget adopted for said department, which sum so added shall be placed in the Department of Education's Insurance and Retirement Fund and kept in a separate fund by the County Trustee, which official shall by virtue of this Act become officially and personally liable for the safe keeping of these funds and the proper distribution of them in accord with the provisions of this Act; the amount, if beyond three per cent, to be added to said budget to be determined, by the Board of Directors as defined in Section 6, and approved by the County Judge and County Court of said County.



**SEC. 3.** That the Quarterly Court of said County or Counties be, and is hereby empowered to levy a sufficient annual tax upon all taxable property within the County to raise revenue for the payment of Benefits defined in this Act to participating employees and their beneficiaries and appropriate same for such purpose.

**SEC. 4.** That each and every employee who participates in said insurance and pension fund shall be assessed not less than three per cent of his or her salary. Said amount shall be deducted from the monthly pay and so shown on the payroll, and the total amount of deduction shall be made by the proper official and placed in the Department of Education's Insurance and Retirement Fund, to be kept by the County Trustee as a separate account. The amount which the county shall be required to pay, shall be not less than three per cent of the annual budget of the Department of Education, PROVIDED, That the County Court shall at no time permit the minimum surplus of money in said Insurance and Retirement fund to be less than Ten Thousand (\$10,000.00) Dollars.

**SEC. 5.** That the said per cent which shall be added to the annual budgets of the Department of Education as herein provided shall be placed in said separate fund in four (4) equal installments, the first installment to be paid September 1st and the balance in three (3), six (6) and nine (9) months thereafter.

**SEC. 6.** That a Board of Directors, consisting of two representatives from the County Board of School Directors, and Superintendent, one from the Teacher's Association and Trustee of the County, shall hear and decide all applications for benefits under this Act, and its decisions on such applications shall be final and conclusive. The Superintendent of Education, at any time an employee has become unfit for service on account of disability, or age, after a total of twenty years of service, may, subject to the approval of the County Board of School Directors, order the retirement of such employee on a full pension and pay him or her such an amount as he or she would be entitled to if he or she had made application to said Board of Directors for retirement; PROVIDED, however, the Superintendent of Education must give such employee at least ten days' written notice before any action is taken on his or her enforced retirement, and during said ten day period such employee may file written request with the Chairman of the Board of Directors and on such request being filed by said employee, he or she will be entitled to such hearing, which shall be held not earlier than ten days after the request therefor has been filed. At such hearing either party will be entitled to introduce competent testimony and witnesses and to be represented by counsel. Any such employee dissatisfied with the decision of the Board of Directors may, within ten days after such decision, file a petition for certiorari in the Chancery Court of said county or counties for the purpose of trial de novo, upon execution of bond for costs or in lieu thereof upon taking and filing pauper's oath, and unless such petition for certiorari is filed within said time the findings of the Board of Directors shall be final; PROVIDED, however, that after an employee of the Department of Education has reached seventy (70) years of age his or her retirement shall be compulsory.

**SEC. 7.** That after an employee who participates in said fund, has served not less than twenty years and becomes physically disabled he or she, may, at the discretion of the Board of Directors, be retired on a full pension and paid a sum equal to fifty per cent of an annual salary based on his or her average monthly salary for the three highest consecutive years of his or her employment in said Department of Education. Any participating employee who has served not less than twenty years and has reached the age of sixty (60) years may request that he be retired on a pension and paid a sum equal to fifty per cent of his salary based on his or her average monthly salary for the highest three consecutive years of his or her employment in the said Department of Education. Any participating employee who has served a total of twenty-five (25) years, regardless of his age at such time, may request and demand that he or she be retired on a pension equal to fifty per cent of his or her monthly salary for the highest three consecutive years of his or her employment in the said Department of Education, and such employee when such demand is made shall be placed upon such pension roll. After any participating employee has served not less than ten years becomes physically disabled, and because of such disability is unable to discharge the duties required of him or her shall be retired on a partial pension equal to twenty-five per cent of his or her monthly salary for the highest three consecutive years of his or her employment in said Department of Education. After any participating employee of said Department has served not less than fifteen years and becomes physically disabled, and because of such disability is unable to discharge the duties required of him, such employee shall be retired on a partial pension equal to thirty-seven and one-half per cent of his or her monthly salary based on his or her monthly salary for the highest three consecutive years of his or her employment in the said Department of Education. Except that no payment shall exceed the limit hereinafter set forth. At the death of any participating employee or pensioner of the Department of Education there shall be paid his or her beneficiary or beneficiaries, the sum of Two Hundred and Fifty Dollars (\$250.00).

**SEC. 8.** That the full amount of pension any participating employee shall be entitled to shall be not less than fifty per cent of such employee's monthly salary based on his or her average monthly salary for the highest three consecutive years of his or her employment in said Department of Education, and shall be

paid in twelve monthly payments each year; provided, however, that the maximum amount any such employee shall receive as a pension shall be Seventy-five Dollars (\$75.00) per month, or Nine Hundred (\$900.00) Dollars per year. In computing the time served by an applicant for a pension, if such applicant has been employed in other departments of said county or in any special district of said county and has been employed as much as eight years in the Department of Education, such applicant shall be given credit for the time served in such other departments. Any applicant who has taught in a separate school system within said county or within the State of Tennessee and who at the time of application is a regular employee of the said Department of Education, shall be given credit for the time served in the schools of the said system and State; hence in computing the time served by an applicant for a pension credit shall be given for the time employed by the Department of Education of any other systems within the State; PROVIDED, however, that no applicant, except those applicants employed at the time of the passage of this Act, will be entitled to credit for the time employed by the Department of Education in any other system within the State.

**SEC. 9.** That if any participating employee of the Department of Education while engaged in this discharge of his or her duties shall receive injuries resulting in such employee becoming disabled from performing his or her duties, he or she shall be placed on a full pension and paid the amount heretofore provided, regardless of the length of time served; provided, however, that before such injured employee shall be retired on a pension the Board of Directors shall have the right to have him or her examined by competent physicians to determine whether or not such disabled employee is unable to discharge his or her regular, or any other duty that may be required of him or her by officials of the Department of Education; and PROVIDED, further, that no disabled employee shall be retired on a pension because of injury until six months after such injury was received. Any employee retired on a pension because of an injury, in event of recovery to the extent that he or she is again able to perform any duty required of him or her shall be removed from the pension roll and be reinstated in service, at the discretion of the Board of Education. If such employee who has been placed upon the pension roll refuses to allow himself or herself to be examined by physicians selected by the Board, the Board of Directors shall have the right to suspend his pension until such time as he may permit an examination by the physicians selected by the Board; provided the physician or physicians selected shall be agreeable to the employee involved and the County Board.

**SEC. 10.** That in case any participating employee shall withdraw from said service, the amount paid by him or her into the Department of Education's Insurance and Retirement Fund shall be refunded without interest.

**SEC. 11.** That the Insurance or Retirement fund either before or after its distribution by the County Trustee to disabled or retired employees, or to the beneficiary of any deceased employee or pensioner, shall be exempt from the debts of such employees and shall not be subject to attachment, garnishment, execution, or other legal process, but that the same shall be received by such employee, or beneficiary, free from the debts, judgments and demands of such employees or beneficiaries.

**SEC. 12.** That any participating employee who has served not less than twenty-five years shall not be deprived of his or her rights to a pension as provided for in this Act for any reason less than the conviction of a felony in a court of competent jurisdiction. "Employees of the Department of Education" as used in this Act shall mean the Superintendent of School, Assistant Superintendent, Department Heads, Supervisor, Visiting Teachers, Teachers, Principals, Assistant Principals, and Librarians.

**SEC. 13.** That the County Board of School Directors shall assemble and keep on file in the offices of the Department of Education, the service records of all employees of the Departments of Education. These records shall show years of employment, monthly salaries, and any other information deemed necessary by the Board of Directors of the Fund, said service records shall be brought up to date each year, and made available to Board of Directors at any time.

**SEC. 14.** That a person receiving a pension from said county who accepts any position with any public tax supported organization within the county shall be removed from the Pension Roll during such time of employment; PROVIDED, however, that upon the termination of such employment said pensioner shall receive the amount per month as originally awarded.

**SEC. 15.** That membership in the Insurance and Pension system shall be open to all the employees in the county schools at the time of the inauguration of the system for a period of six months, but compulsory as to employees coming into the schools after the date of inauguration.

**SEC. 16.** That any participating employee who wishes credit for previous service may secure such credit by paying into the fund one per cent of the salary for each year of experience claimed. Such back assessments may be paid in equal monthly installments over a period of forty-eight (48) months.

**SEC. 17.** That there shall be kept by said Board of Directors a book to be known as THE LIST OF RETIRED

EMPLOYEES OF THE DEPARTMENT OF EDUCATION. This book shall give full and complete record of the action of the County Board of School Directors in retiring any and all persons. Such records shall give names, date of retirement and the reasons therefor as to all persons retired. All employees seeking retirement or pensions for permanent disability shall make application to the Board of Directors on a form to be provided by the said Board, which application shall be accompanied by proof of facts entitling retirement, or proper medical proof of disability. All applications and proofs shall be retained in the custody of the Board of Directors. Due notice of application shall be recorded by the Superintendent and the applicants shall be notified five (5) days in advance of the hearing by the Board of Directors, of his or her application, should for any reason the Board request further evidence of need of retirement.

**SEC. 18.** That every participating employee beneficiaries who, in event of his or her death may be entitled to any benefits, shall file with the Board of Directors the names of his or her beneficiaries in the order of their preference, stating the relationship of each to said employee, PROVIDED, however, that failure to file the names required by this section shall not deprive the employee of his legal beneficiaries of any rights under this Act.

**SEC. 19.** That no employee shall participate in the benefits derived from this Act until three (3) years after the County Court has made its proper appropriations, and deductions shall have been made from the salaries for said term of the participating teachers; PROVIDED, however, that in case of death of any employee who participates in said Insurance and Retirement Fund that his or her beneficiary shall be entitled to the amount set forth in this Act.

**SEC. 20.** That this Act shall receive a liberal interpretation and construction; and if any word, clause, paragraph, or section shall seem to deny the intent of this Act then such portion shall be ignored.

**SEC. 21.** That all laws and portions of laws in conflict with this Act be, and the same are hereby repealed.

**SEC. 22.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 9, 1943.

## Private Acts of 1943 Chapter 443

**SECTION 1.** That Washington County be and it is hereby authorized to make the necessary contracts with any Insurance Company or Companies authorized to do business in the State of Tennessee to provide for the retirement of the Teachers employed by the County Board of School Directors of Washington County from active service, and to provide group annuity, insurance, pensions or retirement allowances for said teachers thus retired.

**SEC. 2.** That the contract or contracts referred to in Section 1 shall provide for the payment of the said teachers' share of the maintenance cost by making payroll deductions from the salaries of said teachers and Washington County is hereby authorized to make such deductions from salaries.

**SEC. 3.** That the contract or contracts referred to in Section 1 shall also provide for Washington County to make financial contributions to the cost of maintaining the group pension or retirement system, and Washington County is hereby authorized to make such contributions.

**SEC. 4.** That Washington County is hereby given authority to take all necessary steps for inauguration and maintaining said group pension or retirement system, by appropriate action of its Quarterly County Court.

**SEC. 5.** That the power or authority vested by this Act in Washington County exercised by resolution adopted by the affirmative vote of a majority of the entire membership of its Quarterly County Court at any regular or called meeting of said Quarterly County Court. The amount or proportion of the said teachers' contribution to the cost of said system, the amount or proportion Washington County's contribution thereto and all provisions of such contract or contracts may also be fixed by such resolution, and such resolution may authorize and direct the proper officials of Washington County to execute said contract and provide for the carrying of the same into effect.

**SEC. 6.** 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, the public welfare requiring it.

Passed: February 9, 1943.

## Education/Schools - Historical Notes

### Board of Education

The following act once affected the board of education in Washington County but is no longer operative.

1. Private Acts of 1935, Chapter 510, abolished the Washington County Board of Education and created a county board of school commissioners for the county. This act was repealed by Private

Acts of 1939, Chapter 438.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education 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 1935, Chapter 204, created the office of superintendent of schools in counties having a population of not less than 45,805 nor more than 45,820 according to the 1930 Federal Census and it governed and controlled the election of all superintendents in all counties coming under the provisions of this act from and after the 1936 August election.
2. Private Acts of 1953, Chapter 242, fixed and prescribed the salary of the Washington County Superintendent of Schools so that it was equal to the maximum salary allowed to officers named in Section 10727 of the Code of Tennessee, for 1932. This act was amended by Private Acts of 1953, Chapter 536, so as to make the act apply only to elected officers. Private Acts of 1953, Chapter 242, was repealed by Private Acts of 1969, Chapter 83.

### **General Reference**

Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1795, Chapter 8, established Washington College in Salem, Washington County in honor of President George Washington.
2. Acts of 1806, Chapter 8, established Martin Academy in Washington County and named John Kennedy, Andrew Steele, William Mitchel, John Nelson and David Deadrick as trustees of the academy. This act was amended by Acts of 1807, Chapter 56, so as to name Mathew Stephenson, Alexander M. Nelson, George Gillespie, Mathew Aiken and Allen Gillespie as trustees of Martin Academy.
3. Acts of 1807, Chapter 29, appointed John Chester, James V. Anderson and Peter Darsons as additional trustees for Martin Academy in Washington County.
4. Acts of 1817, Chapter 97, appointed James V. Anderson, William B. Carter, John C. Eason, David G. Vance, John C. Harris and Samuel Greer as trustees of Martin Academy in Washington County.
5. Private Acts of 1825, Chapter 206, appointed David Nelson, David A. Deadrick and Samuel G. Chester as trustees of Martin Academy.
6. Private Acts of 1827, Chapter 165, established the Jonesborough Female Academy in Washington County.
7. Private Acts of 1832, Chapter 76, authorized the clerk and treasurer of the board of common school commissioners of Washington County to perform all the duties required of the late agents in said county, under the same rules, regulations and restrictions as were provided for the bank agency of Campbell County.
8. Private Acts of 1835-36, Chapter 107, authorized the trustees of Martin Academy, in Washington County, to pay \$500.00 to the trustees of the Jonesborough Female Academy.
9. Private Acts of 1867-68, Chapter 94, incorporated the Cherokee Male and Female Academy in Washington County. This act was repealed by Public Acts of 1869-70, Second Session, Chapter 105.
10. Acts of 1905, Chapter 144, created an independent school district in the fourth and eighth civil districts of Washington County.
11. Acts of 1905, Chapter 368, created an independent school district out of part of the fifteenth civil district of Greene County and the thirteenth civil district of Washington County.
12. Acts of 1909, Chapter 494, required parents and guardians to cause children between the ages of eight and fourteen years to attend some public school for at least four months or eighty days consecutively each year in Washington County. This act was repealed by Public Acts of 1978, Chapter 716.
13. Private Acts, 1931, Chapter 657, authorized Washington County to issue and sell \$300,000 of school bonds for the purpose of erecting, repairing and equipping certain schools in Washington County.
14. Private Acts of 1931, Second Extra Session, Chapter 68, authorized Washington County to issue and sell \$200,000.00 of interest bearing coupons for the purpose of providing funds to build, repair and reconstruct school houses and provide for the retirement of said bonds.
15. Private Acts of 1937, Chapter 640, allowed and permitted Mrs. R. A. Hilbert and Gladys Barron of

Washington County to enter the State Teacher's College, at Johnson City, and to be classified and enrolled as full accredited high school graduates. This act also gave them full credit for all work heretofore done.

16. Private Acts of 1939, Chapter 379, validated the issuance of \$450,000 of school bonds by Washington County and the proceedings by the quarterly county court which authorized said bonds and provided for the payment of said bonds and interest thereon.

## Chapter VII - Elections

### Primary Election Costs

#### Private Acts of 1974 Chapter 341

**SECTION 1.** In counties of this state having populations of not less than 70,000 nor more than 100,000, according to the United States Census of Population of 1970, or any subsequent United States Census of Population, all expenses, including compensation of its employees and election officials, incurred by the county election commission or its members in the performance of their duties under this title in holding primary elections other than in connection with statewide or multi-county elections may be paid by the county primary board of the political party for which the primary is held. The county primary board of the party may prescribe and collect a filing fee for candidates in such primaries in a sum sufficient in the aggregate to cover all such costs, but a candidate who cannot pay such fee because he is indigent shall not be required to pay such fee as a condition of his candidacy.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of any county to which it may apply. Its approval or non-approval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving this act as provided in Section 2, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall be effective upon being approved as provided in Section 2.

PASSED: March 27, 1974

## Elections - Historical Notes

### Districts - Reapportionment

The act listed below had affected the civil districts in Washington County, but is no longer operative regarding elections.

1. Private Acts of 1951, Chapter 667, altered the county lines between the eleventh and twelfth civil districts of Washington County. This act was repealed by the Private Acts of 1953, Chapter 244.

### Elections

The following is a listing of acts for Washington County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796 (2nd Session), Chapter 4, provided for the election of electors to elect a president and vice president of the United States. John Carter, John Adams and John M'Collister of Washington County were appointed to elect an elector in the District of Washington.
2. Acts of 1799, Chapter 16, apportioned the representation in the state legislature. Washington County elected two representatives to the Washington District.
3. Acts of 1799, Chapter 46, provided for the election of electors to elect a president and vice president of the United States. John Blair of Washington County was appointed as an elector for the Washington District.
4. Acts of 1803, Chapter 24, divided the state into five electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Washington, Greene, Carter and Sullivan composed the first electoral district and elected one elector.
5. Acts of 1805, Chapter 64, apportioned the representation of the state in the Tennessee State Legislature. The counties of Washington and Carter composed one election district and elected one senator.

6. Acts of 1805, Chapter 74, divided the state into five electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Washington, Greene, Carter, Sullivan and Hawkins composed the first electoral district and elected one elector.
7. Acts of 1807, Chapter 74, divided the state into five electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Washington, Greene, Carter, Sullivan and Hawkins composed the first electoral district and elected one elector.
8. Acts of 1812, Chapter 5, divided the state into eight electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Washington, Sullivan, Carter, Greene and Hawkins composed the first electoral district and elected one elector.
9. Acts of 1812, Chapter 27, divided the state into congressional districts for the election of representatives to the United States Congress. The first district was composed of the counties of Washington, Hawkins, Sullivan, Carter and Greene.
10. Acts of 1812, Chapter 57, apportioned the representation of the state in the Tennessee State Legislature. The counties of Washington and Carter composed one election district and elected one senator.
11. Public Acts of 1819, Chapter 69, apportioned the representation of the state in the Tennessee State Legislature. The counties of Washington and Carter composed one election district and elected one senator. In addition, the counties of Washington and Carter elected one representative jointly for the state legislature.
12. Public Acts of 1822, Chapter 1, divided the state into eight congressional districts for the election of representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Carter, Greene, Hawkins and Sullivan.
13. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first electoral district was composed of the counties of Washington, Carter, Sullivan, Hawkins and Greene which elected one elector.
14. Private Acts of 1823, Chapter 127, provided that all future elections in Washington County to elect electors to vote for a president and vice president of the United States be elected at the Widow Dillard's house in Greasy Cove, at Sngersol's, near Kibbler's and at James Broll's saw mill on the south side of Chuckey River.
15. Public Acts of 1824, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first electoral district was composed of the counties of Washington, Carter, Sullivan, Hawkins and Greene which elected one elector.
16. Public Acts of 1826, Chapter 3, apportioned the representation in the state legislature. The counties of Washington, Greene, Cocke and Sevier composed one election district and elected one senator. In addition, the counties of Washington, Hawkins, Greene, Jefferson, Grainger, Blount, Monroe and McMinn elected one representative each to the state legislature.
17. Public Acts of 1827, Chapter 17, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The first electoral district was composed of the counties of Washington, Carter, Sullivan, Hawkins and Greene which elected one elector.
18. Public Acts of 1832, Chapter 4, divided the state into thirteen congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Carter, Greene, Cocke and Jefferson.
19. Public Acts of 1832, Chapter 9, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Washington, Carter, Greene and Jefferson composed the first district.
20. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Washington, Carter and Greene composed one election district, and elected one senator. In addition, the counties of Washington and Carter composed one election district and elected one representative.
21. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of revising and amending the state constitution. Washington County composed one district and elected one delegate to the state convention.
22. Public Acts of 1835-36, Chapter 39, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of

Washington, Carter, Greene and Jefferson composed the first electoral district.

23. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned the representation in the general assembly. The counties of Washington, Johnson, Carter and Sullivan composed the first senatorial district and elected one senator. In addition to electing one representative, Washington County jointly elected one representative along with Hawkins and Greene counties.
24. Acts of 1842 (Ex. Sess.), Chapter 7, divided the state into eleven congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene and Cocke.
25. Acts of 1851-52, Chapter 196, divided the state into ten congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Cocke, Jefferson, Hancock and Sevier.
26. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state. Washington County elected one representative and composed a senatorial district with Johnson, Carter and Sullivan counties.
27. Public Acts of 1865, Chapter 34, divided the state into eight congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Cocke, Jefferson, Hancock, Grainger and Sevier.
28. Public Acts of 1871, Chapter 146, apportioned the senatorial and representative districts in the state. Washington County elected one representative. The first senatorial district was composed of Washington, Johnson, Carter and Greene counties.
29. Acts of 1872 (Ex. Sess.), Chapter 7, divided the state into nine congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Hancock, Claiborne, Union, Grainger, Hamblen and Cocke.
30. Public Acts of 1873, Chapter 27, divided the state into ten congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Hamblen and Cocke.
31. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the state into senatorial and representative districts. Washington County elected one representative and jointly elected a representative with Carter, Johnson, Unicoi, Greene and Sullivan counties. Washington, Carter, Johnson, Sullivan and Unicoi counties composed the first senatorial district.
32. Public Acts of 1882 (2nd Sess.), Chapter 27, divided the state into ten congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Unicoi, Hawkins, Greene, Hamblen, Hancock, Claiborne, Cocke and Grainger.
33. Public Acts of 1891, Chapter 131, divided the state into ten congressional districts for the purpose of electing representatives to the United States Congress. The first congressional district was composed of the counties of Washington, Johnson, Carter, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Unicoi, Hamblen and Cocke.
34. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the counties of the state into senatorial and representative districts. Washington County elected one representative and jointly elected a representative with Johnson, Sullivan, Unicoi, Greene, Hawkins and Hancock counties in the first representative district. The counties of Washington, Carter, Johnson, Unicoi and Greene composed the first senatorial district.
35. Public Acts of 1901, Chapter 109, divided the state into ten congressional districts for the purpose of electing electors to the United States Congress. The counties of Washington, Sullivan, Johnson, Carter, Unicoi, Greene, Hawkins, Hancock, Claiborne, Grainger, Cocke and Sevier composed the first congressional district.
36. Public Acts of 1901, Chapter 122, apportioned the counties of the state into senatorial and representative districts. The counties of Washington, Carter, Johnson, Unicoi and Greene composed the first senatorial district. Washington County elected one representative and also jointly elected one representative with Greene and Unicoi County in the third representative district.

37. Private Acts of 1945, Chapter 537, fixed the compensation of election officials and registers of voters in Washington County at \$3.00 per day.
38. Private Acts of 1951, Chapter 109, regulated the hours of opening the polls to all general elections at 9:00 A.M. to 7:00 P.M.
39. Private Acts of 1951, Chapter 298, fixed the pay of election officials in Washington County at \$7.00 per day out of the general county fund.

## Chapter VIII - Health

### Garbage Disposal

#### Private Acts of 1988 Chapter 133

**SECTION 1.** All garbage, refuse or rubbish not transported to an appropriate landfill shall be placed in garbage collection containers as designated by Washington County. It shall be unlawful for any garbage, refuse or rubbish to be placed around or in the general vicinity of such garbage collection containers. Any garbage, refuse or rubbish which will not fit into such garbage collection containers shall be transported by the owner of such garbage, refuse or rubbish to the appropriate garbage landfill area. For purposes of this chapter, there shall be a presumption of ownership, under Tennessee Code Annotated, Section 39-3-1005, when the garbage, refuse or rubbish bears a person's name.

**SECTION 2.** It shall be unlawful for any nonresident of Washington County to dispose of any garbage, refuse or rubbish in such garbage collection containers as designated by Washington County. Such disposal shall be deemed a trespass under Tennessee Code Annotated, Title 39, Chapter 3, Part 12. Provided, however, that the penalty for a violation of this section shall be a fine as provided for in this act.

**SECTION .3** Any person or business in violation of this chapter shall be fined twentyfive dollars (\$25.00) for each violation. Each garbage bag, refuse or rubbish placed around or in the general vicinity of the collection container shall constitute a separate violation.

**SECTION 4.** 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 5.** 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 upon being approved as provided in Section 4.

PASSED: February 18, 1988

### Massage Registration Board

#### Private Acts of 1976 Chapter 274

**SECTION 1.** This act shall be known and may be cited as the Washington County Massage Registration Act of 1976.

**SECTION 2.** As used in this act, unless the context otherwise requires:

- (a) "Massage" means the art of body massage, by hand or with a mechanical or vibratory device, for the purpose of massaging, reducing, or contouring the body, and may include the use of oil rubs, heat lamps, salt gloves, hot and cold packs, tub, shower or cabinet baths. The procedures involved include, but are not limited to, touching, stroking, kneading, friction, vibration, percussion, and medical gymnastics.
- (b) "Masseur" or "masseuse" means a person engaged in activity set forth in subsection (a).
- (c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a) is practiced.
- (d) "Board" means the Washington County Massage Registration Board.

**SECTION 3.** There is hereby created the Washington County Massage Registration Board. The Board shall consist of the County Board of Health. The terms of the Board members shall be coextensive with their terms on the County Board of Health and no members shall serve after the expiration of his term or removal from the County Board of Health. A majority of the members to which the Board is entitled shall constitute a quorum. The Board shall serve without compensation but the members shall receive their



actual expenses for attending Massage Registration Board meetings. The Board shall select a chairman from among its members and the chairman shall notify interested persons and members of Board meetings. The Board shall meet as often as required to carry out the provisions of this act.

**SECTION 4.** All persons or massage establishments engaged in "massage" as defined herein, for compensation in Washington County shall be required to register with the Washington County Massage Registration Board. It shall be unlawful for any person to engage in massage for compensation without a current valid certificate of registration from the Massage Registration Board.

**SECTION 5.** The Board shall establish procedures and criteria for the issuance of certificates of registration to persons and establishments engaged in massage for compensation in Washington County. No person or establishment shall be issued a certificate of registration until the applicant and each person engaged in massage at a massage establishment has provided evidence satisfactory to the Board that:

- (1) the applicant is eighteen (18) years of age or older;
- (2) the applicant presently holds a current valid health certificate as provided in Tennessee Code Annotated, Section 52-1012;
- (3) that the certificate holder is engaged in massage as a bona fide occupation or vocation and is not utilizing the title masseuse or masseur, or Turkish bath or any other title as subterfuge to engage in unlawful activity;
- (4) has paid the required fees.

**SECTION 6.** In order to effectuate the provisions of this act the Board, or its authorized representative shall be empowered to conduct investigation of persons engaged in massage or massage establishments and inspect the registration of practitioners and establishments for compliance. Refusal of a practitioner or establishment to permit inspections shall be grounds for revocation, suspension or refusal to issue certificates of registration provided by this act.

**SECTION 7.** The Board shall provide applicants denied issuance of a certificate or practitioners whose certificate is revoked or not renewed a hearing on such refusal, revocation or non-renewal, which is consistent with due process of law. All decisions of the Board on the revocation, refusal to issue or non-renewal of certificates of registration shall be reviewable in the circuit court of Washington County only as to the existence of any substantial evidence upon which the Board could base its decision. Provided, however, that upon a decision of the Board to refuse to issue, revoke, or not to renew a certificate, the practitioner or establishment shall be prohibited from engaging in massage until the Board's decision is overturned.

**SECTION 8.** The following classes of persons shall not be required to register under this act:

- (a) Persons authorized by the laws of this state to practice any branch of medicine, surgery, osteopathy, chiropractic or chiropody, or persons holding a drugless practitioner's certificate.
- (b) Registered nurses under the laws of this state.
- (c) Barbers duly licensed under the laws of this state.
- (d) Beauticians duly licensed under the laws of this state.
- (e) Registered physical therapists under the laws of this state.
- (f) Recreational facilities or their employees associated with the YWCA or YMCA religious organizations.

Any exemption granted under this act is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this act, and exemptions under this act are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted.

**SECTION 9.** The Board may charge a fee for each certificate or registration in massage which shall be sufficient to defer the expenses of administering this act but in no case shall the fee for a certificate exceed ten dollars (\$10.00).

**SECTION 10.** If the Board ascertains that any masseur or masseuse may be in such physical condition as to jeopardize the health of those who seek massage from him or her, the board may require an applicant or certificate holder to have a physical examination by a competent medical examiner, and if found to have had, or has, any communicable disease, shall disqualify such person from obtaining, or renewing, a certificate to practice massage in this state. The granting of renewal of such certificate shall be denied until such person furnishes due proof of being physically and mentally competent and sound to practice massage. The board may adopt reasonable rules and regulations regarding personal cleanliness of masseurs and masseuses, and the sanitary conditions of towels, linen, creams, lotion, oils and other materials, facilities, and equipment used in the practice of massage.

**SECTION 11.** The certificate of registration of a masseur or masseuse may be revoked, suspended, or

annulled, by the board for any of the following reasons:

- (a) The registrant is guilty of fraud in the practice of massage, or fraud or deceit in his admission to the practice of massage.
- (b) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.
- (c) The registrant is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- (d) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.
- (e) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or that he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.
- (f) The registrant is guilty of willful negligence in the practice of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.
- (g) The registrant has violated any of the provisions of this act. Charges may be preferred by any person, or the Board may, on its own motion, direct the Chairman of the Board to prefer charges. An accusation may be filed with the chairman of the board, charging any registered masseur or masseuse with any of the offenses herein enumerated. Such accusation shall be in writing, signed by the accuser, and duly verified under oath.

**SECTION 12.** (a) It is unlawful for any person or persons or massage establishment to engage in the practice of massage for compensation without a valid certificate of registration issued pursuant to the provisions of this act.

(b) It is unlawful for any person or persons to operate or conduct any massage establishment which does not conform to the sanitary rules and regulations adopted by the Board, or to employ any person as a massage practitioner who does not hold a certificate of registration.

(c) Any person who shall violate any of the provisions of this act shall upon conviction be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than one (1) year, or both, at the discretion of the trial court.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Washington County before December 1, 1976. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provision of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

PASSED: March 19, 1976

## Chapter IX - Highways and Roads

### Superintendent of Highways

### Private Acts of 1997 Chapter 36

**SECTION 1.** Chapter 325 of the Private Acts of 1925, Chapter 41 of the Private Acts of 1935, and any other acts amendatory thereto, are repealed.

**SECTION 2.** The Superintendent of Highways for Washington County shall be appointed by a majority vote of the county commission for a term of four (4) years, with the term of office to begin September 1, 2000, as required by Tennessee Code Annotated, §54-7-105. The Superintendent of Highways shall be the chief administrative officer of the county highway department under the terms of the County Uniform Highway Law (Tennessee Code Annotated, §54-7-101-116, Tennessee Code Annotated §54-7-201-206, or as hereafter amended). This act shall not remove the currently appointed Superintendent of Highways, who shall continue to serve until a successor is appointed by the county commission as herein provided.

**SECTION 3.** The Superintendent of Highways shall be subject to the County Purchasing Act of 1957 and all amendments thereto, and shall also conform to all appropriate provisions of state law, including the County Uniform Highway Law, and to the appropriate local acts for resolutions affecting Washington County, Tennessee.

**SECTION 4.** All laws and parts thereof in conflict herewith are hereby repealed.

**SECTION 5.** 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 of Washington County and certified to the Secretary of State.

**SECTION 6.** 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 upon being approved as provided in Section 5.

PASSED: April 23, 1997

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Washington County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1801, Chapter 69, provided that the citizens of the counties of Washington, Jefferson and Greene help to clear and remove obstructions from the Nolichucky River. This act also authorized Washington County citizens to subscribe to said company.
2. Private Acts of 1820, Chapter 101, authorized Jacob Brown, at his own expense, to maintain the navigation of that part of Cherokee Creek between his grist mill and the point where the creek meets the Nolichucky River.
3. Private Acts of 1825, Chapter 124, appointed Jacob Brown, Sen. John Brown, Armsted Shelton, William Irvin and William Murry as commissioners to view and lay off a turnpike road which passed over Walnut Mountain to the North Carolina line.
4. Private Acts of 1827, Chapter 231, authorized Washington County to appoint an overseer and workers to maintain a road from the North Carolina line to Jonesborough.
5. Private Acts of 1829-30, Chapter 288, authorized Washington County to appoint some suitable person or persons to establish and keep a ferry on the Nolichucky River and to allow the county court to fix the toll rates.
6. Private Acts of 1857-58, Chapter 131, classified the roads in Washington County and authorized the county court to appoint road supervisors to superintend the upkeep of said roads.
7. Private Acts of 1859-60, Chapter 114, specified the manner in which road taxes would be collected and spent for the upkeep of roads.
8. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in Washington County. This act was repealed by Private Acts of 1978, Chapter 198.
9. Acts of 1903, Chapter 160, authorized the voters of Washington County to vote upon the issuance of interest bearing bonds to be used in the making and improvement of macadamized and other public roads and bridges.
10. Acts of 1907, Chapter 101, provided how railroad companies may cross and occupy streets, highways, and private roads, and may take land for the purpose of substituting other streets, highways and roads in lieu thereof in Washington County.
11. Acts of 1907, Chapter 483, authorized Washington County to issue and sell interest bearing coupon bonds for the building of roads, macadamized roads, turnpikes and bridges, and the improvement of the public highways in said county.
12. Acts of 1909, Chapter 319, provided a system of highways for Washington County. This act was repealed by Private Acts of 1978, Chapter 198.
13. Private Acts of 1911, Chapter 560, prescribed the manner for opening, changing, or relocating roads in Washington County and provided for the assessment of damages in locating such roads. This act was repealed by Private Acts of 1978, Chapter 198.
14. Private Acts of 1911, Chapter 612, authorized Washington County to issue interest bearing bonds of up to \$60,000 for the purpose of locating and building public roads and bridges. This act was repealed by Private Acts of 1978, Chapter 198.

15. Private Acts, 1915, Chapter 124, authorized Washington County to issue and sell interest bearing coupons bonds for the purpose of building roads, macadamized roads, or other hard surfaced roads, turnpikes and bridges, and improving of the public highways in said county. A tax levy was provided to pay the principal and interest of said bonds and a board of road commissioners. This act was amended by Private Acts of 1915, Chapter 658, so as to call an election to vote upon the question of issuing bonds under said act at any time within one year from the date of the passage of said act. Private Acts of 1915, Chapter 124, was repealed by the Private Acts of 1917, Chapter 6.
16. Private Acts, 1917, Chapter 25, authorized a bond issuance of 750,000 dollars at a rate of interest not to exceed 5%, to build and maintain roads in Washington County. This act was amended Private Acts of 1917, Chapter 131, so as to provide that the Memphis/Bristol Highway be macadamized to the width of at least fourteen feet. Chapter 131 also provided that the bonds be negotiable and that the roads be macadamized in a uniform depth throughout Washington County. Private Acts of 1917, Chapter 25, was further amended by Private Acts of 1919, Chapter 306, which provided that the Washington County Good Roads Commission determine the reasonable and just cost of grading and macadamizing the roads in the country districts once the bonds were sold and the funds were available. Private Acts of 1921, Chapter 688, amended Private Acts of 1917, Chapter 25, so as to set the amount of money, from the proceeds of the sale of bonds, which was expended for actual construction on contractor's estimates. Private Acts of 1917, Chapter 25, was amended by Private Acts of 1978, Chapter 198.
17. Private Acts of 1919, Chapter 6, authorized the Good Road's Commission of Washington County to do construction and repair work by force account when in their judgment it is necessary and urgent, also to work county and state convicts in road building and the repair thereof. This act also used the funds from the taxation of automobiles and trucks to make the road system in Washington County as complete a system as possible. This act was repealed by Private Acts of 1978, Chapter 198.
18. Private Acts of 1921, Chapter 23, authorized the Washington County Court to establish a county workhouse, and to levy a special tax for the purpose of grading and macadamizing the public roads in the county, to build bridges and culverts, and to elect a county workhouse commission. This act was amended by Private Acts of 1923, Chapter 14, by reorganizing the civil districts which were affected by the road law. Private Acts of 1925, Chapter 325, reenacted Private Acts of 1921, Chapter 23, as amended by Private Acts of 1923, Chapter 14. Private Acts of 1925, Chapter 325, was repealed by Private Acts of 1997, Chapter 36.
19. Private Acts of 1921, Chapter 420, authorized all district road commissioners of the various civil districts in Washington County to contract with the county workhouse commission for the building and constructing of roads in the civil districts and to use the district road funds in conjunction, and on such terms, as may be agreed upon between the road commissioner and the workhouse commission. This act was repealed by Private Acts of 1978, Chapter 198.
20. Private Acts of 1921, Chapter 421, created a road law for Washington County requiring all male citizens between the ages of 21 years and 45 years to work on the public roads five days in each year, or pay in lieu of said work the sum of 75 cents per day for five days, or for any number of days which they may have failed to work on said road. This act was amended by Private Acts of 1923, Chapter 58, so as to increase the pay in lieu of said work to \$1.50 per day for five days, or for any number of days which a person failed to work on said road. Private Acts of 1923, Chapter 58, was repealed by Private Acts of 1978, Chapter 198.
21. Private Acts, 1927, Chapter 405, authorized Washington County to borrow money and issue negotiable interest bearing revenue anticipation bonds, notes or warrants, and apply a special tax levy of 20 cents on every \$100 for the construction, maintenance and upkeep of roads.
22. Private Acts of 1929, Chapter 95, validated the issuance of \$30,000 in highway notes used by Washington County, dated October 3, 1927, and the proceedings of the quarterly county court which authorized said notes, and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said notes.
23. Private Acts of 1929, Chapter 98, validated the issuance of \$25,000 in highway notes used by Washington County, dated October 3, 1927, and the proceedings of the quarterly county court which authorized said notes, and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said notes.
24. Private Acts of 1931, Chapter 55, provided for collecting and expending \$2.00 which was collected from each person subject to "road time" in Washington County, in lieu of working the given number of days. This act was repealed by Private Acts of 1978, Chapter 198.

25. Private Acts of 1937, Second Extra Session, Chapter 2, authorized Washington County to levy a tax upon all taxable property for the purpose of locating, grading, macadamizing, hardsurfacing, building, constructing, repairing and maintaining public roads, bridges and culverts in said county.
26. Private Acts, 1941, Chapter 448, authorized Washington County to borrow money for the purpose of repairing and erecting bridges upon any of the highways or public roads in said county.
27. Private Acts of 1959, Chapter 302, would have created a county highway department having authority to construct and maintain county roads, highways, bridges, culverts and public ways in Washington County; however, this act was rejected by Washington County and thus did not become law. This act was repealed by Private Acts of 1978, Chapter 198.

## Chapter X - Law Enforcement

### Offenses

### Fireworks

### Private Acts of 2004 Chapter 129

**SECTION 1.** Chapter 681 of the Private Acts of 1949, and all acts amendatory thereto, is repealed in its entirety.

**SECTION 2.** As used in this chapter:

(1) "Pyrotechnics" means any sparkler, squibb, rocket, firecracker, roman candle, fire balloon, flashlight composition, firework or other similar device or composition used to obtain a visible or audible pyrotechnic display, including D.O.T. Class C common fireworks and special fireworks defined in Tennessee Code Annotated, Section 68-104- 101.

(2) "Fire department" means a department of a municipality or an organization, agency, or entity that either voluntarily or for remuneration offers its services to suppress fires or to perform rescue or other emergency response services, that possesses a valid certificate of recognition issued by the state fire marshal pursuant to Tennessee Code Annotated, Title 68, Chapter 102, Part 3, and that serves as the primary fire department for a geographical territory within Washington County. Fire department does not include any law enforcement agency, emergency medical agency licensed by the Tennessee emergency medical services board, or rescue squad that does not provide fire protection.

**SECTION 3.** Except as otherwise provided by this chapter, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics in Washington County.

**SECTION 4.** Any article of merchandise coming within the definition of pyrotechnics that is possessed by a person not otherwise permitted to possess it by this chapter is hereby declared to be contraband and subject to confiscation whenever found within the boundaries of Washington County. It shall be the duty of the sheriff and all peace officers of Washington County to seize such articles and destroy them.

**SECTION 5.** A person, firm or corporation may conduct a public display of pyrotechnics by contract or arrangement for any state or county fair, patriotic assembly or similar public function; provided, however, that the person, firm or corporation must acquire all articles used in the pyrotechnic display from either a point outside Washington County or from a fire department within Washington County that is duly authorized to see the articles, must keep the pyrotechnic articles in its possession at all times during the public gathering, and must transport the same out of Washington County upon the conclusion of the arrangement or contract under which the pyrotechnics are displayed for public entertainment.

**SECTION 6.** A fire department approved pursuant to Section 7 of this chapter may purchase for resale, possess, store, use and sell pyrotechnics. It shall be lawful for any person, firm, or corporation within Washington County to use pyrotechnics purchased from such approved fire department.

**SECTION 7.** A fire department must submit an annual application to the county clerk and receive a permit as provided by this chapter in order to purchase for resale, possess, store, use or sell pyrotechnics. The county clerk shall forward all applications to the county legislative body for approval. The county legislative body shall have the authority to issue such permit for a period of one (1) year, upon approval of the application, and upon assurance that such organization has complied with any applicable state law.

**SECTION 8.** The legislative body may establish an annual application fee in an amount in its discretion

but no less than two hundred dollars (\$200) for a permit to purchase for resale, possess, store, use or sell pyrotechnics. The application fee shall be submitted to the county clerk with the application.

**SECTION 9.** Fire departments shall only be allowed to operate as a seasonal retailer as defined by Tennessee Code Annotated, Title 68, Chapter 104, Part 101, and shall only operate for those dates during which a seasonal retailer may operate pursuant to that part. Fire departments shall only sell fireworks within such hours and to such persons as the county legislative body determines is appropriate to protect the citizens of Washington County from the irresponsible use of pyrotechnics. Fire departments shall use all profits from the sale of pyrotechnics for the purchase of fire safety equipment, for the training and education of the public or of fire safety personnel, or for other expenses directly related to enhancing the fire safety of the public.

**SECTION 10.** The county legislative body is authorized to adopt resolutions or ordinances to provide reasonable rules and regulations for the implementation of this chapter, including but not limited to limiting the hours of operation during which pyrotechnics may be sold, limiting the locations where pyrotechnics may be sold, prescribing civil penalties for any violation of this chapter in its discretion, and prescribing any other necessary and appropriate requirements for the enforcement and administration of this chapter.

**SECTION 11.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (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 the presiding officer of the county legislative body to the secretary of state.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided by Section 12.

Passed: May 19, 2004.

## Law Enforcement - Historical Notes

### Jails and Prisoners

The following acts once affected jails and prisoners in Washington County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1794, Chapter 15, appointed commissioners in the district of Washington for the purpose of erecting a courthouse, prison and stocks in Washington County.
2. Private Acts of 1832, Chapter 110, directed the treasurer of East Tennessee to pay Charles Howell, jailer of Washington County, the sum of \$63.87½ for boarding Allen Jones, a state prisoner.

### Militia

Those acts once affecting Washington County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1801, Chapter 1, provided that the volunteer calvary companies of Washington and Hawkins counties be annexed to the regiment of cavalry of the Washington District.
2. Acts of 1803, Chapter 1, provided for the establishment and regulation of the militia throughout the state. The militia of Washington County composed the fifth regiment and held regimental musters on the last Thursday of September.
3. Acts of 1815, Chapter 119, provided for the better establishment and regulation of the militia of the state by dividing the militia of the state into regiments and revising the militia laws of the state. The militia of Washington County composed the first regiment of the state.
4. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Washington County composed the first regiment and held regimental musters on the first Thursday in the month of October. This act was repealed by Public Acts of 1978, Chapter 595.

5. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of Washington County composed the first regiment of the first brigade and held regimental musters on the first Thursday in October.
6. Private Acts of 1827, Chapter 248, set the time for holding the county drills of Washington County to the second Monday in September.
7. Private Acts of 1831, Chapter 209, authorized the first regiment of the Tennessee militia, in Washington County, to divide into two distinct regiments.
8. Private Acts of 1831, Chapter 236, set the time for holding the battalion muster of the regiment of cavalry attached to the twelfth brigade of the first battalion, on the north side of the Tennessee River, on the first Thursday in October in Washington and Rhea counties.
9. Private Acts of 1833, Chapter 46, provided that the one hundred and thirtieth regiment of the militia of the state hold their regimental musters annually on the third Thursday in October in Washington County.
10. Private Acts of 1833, Chapter 142, authorized the regimental court martial of the one hundred thirtieth regiment, in Washington County, to exempt the citizens of the Cove Company from attending regimental and battalion musters.
11. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Washington County composed the fifth and sixth regiments, first brigade of the first division.
12. Acts of 1837-38, Chapter 157, placed the militia of Washington County in the first brigade and set the time for holding regimental musters on the first Wednesday and Thursday in September. This act was repealed by Public Acts of 1978, Chapter 595.
13. Acts of 1839-40, Chapter 56, condensed and brought into one view the militia laws of the State of Tennessee. The militia of Washington County composed the fifth and sixth regiments of the first brigade and held musters on Friday after the first Monday in October for the fifth regiment and on the following Saturday for the sixth regiment.
14. Private Acts of 1861, Chapter 1, divided the state militia into companies, battalion, regiments, brigade and divisions and prescribed the times and modes of electing officers. The militia of Washington County formed the fifth and sixth regiments of the first brigade and held musters on the Friday after the first Monday in October for the fifth regiment and on the following Saturday for the sixth regiment.

### **Offenses**

The act briefly summarized below fell into this category in Washington County.

1. Private Acts of 1927, Chapter 388, made it illegal to own, operate or be employed in a pool or billiards hall in Washington County.
2. Private Acts of 1949, Chapter 681, the fireworks law, was repealed by Private Acts 2004, Chapter 129, reproduced herein.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Washington County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 31, authorized the Washington County Sheriff to collect all arrearages of public taxes which he was authorized to collect, in the same manner that he did prior to when Washington County was divided to create Carter County.
2. Private Acts of 1823, Chapter 186, authorized the Washington County Sheriff to appoint an additional deputy. This act was repealed by Private Acts of 1978, Chapter 248.
3. Private Acts of 1826, Chapter 98, legalized the acts of John Bricker, deputy sheriff of Washington County.
4. Private Acts of 1831, Chapter 229, allowed Samuel Hunt, the late sheriff of Washington County, the two additional years to collect the taxes and public dues that accrued during his time in office.
5. Acts of 1847-48, Chapter 81, authorized the sheriff of Washington County to appoint an additional deputy in Greasy Cove.
6. Private Acts of 1921, Chapter 380, provided \$600 as additional compensation to the



sheriff of Washington County.

7. Private Acts of 1925, Chapter 221, set the salary of the Washington County Sheriff at \$3,600 per year. This act was amended by Private Acts of 1933, Chapter 617, which reduced the salary of the Washington County Sheriff to \$1800 per annum.
8. Private Acts of 1927, Chapter 660, required the sheriff of Washington County to search for, seize and capture old equipment used to manufacture intoxicating beverages.
9. Private Acts of 1929, Chapter 779, directed Washington County to pay the sheriff's office and transportation expenses and directed that same be paid by the chairman of the quarterly county court out of the general county funds by warrants drawn on the county trustee. This act was repealed by the Private Acts of 1933, Chapter 618.
10. Private Acts of 1933, Chapter 652, fixed the maximum compensation of the sheriff of Washington County at \$3,250 per annum.
11. Private Acts of 1943, Chapter 420, authorized the Washington County Quarterly Court to contract with the sheriff with reference to his compensation and that of his deputies and jailers.
12. Private Acts of 1978, Chapter 166, would have repealed Private Acts of 1823, Chapter 186; however, it was not ratified as the effective date of the act was listed as 1977 instead of 1978. Private Acts of 1823, Chapter 186, was subsequently repealed by Private Acts of 1978, Chapter 248.

## Chapter XI - Taxation

### Litigation Tax

#### Private Acts of 1977 Chapter 127

**SECTION 1.** A litigation tax of two dollars (\$2.00) shall be taxed as part of the cost in all civil and criminal actions in the General Sessions Court, the Circuit Court, the Criminal Court, and the Chancery Court for Washington County, Tennessee.

**SECTION 2.** The Clerk of each court hereinabove set forth will collect the litigation tax and pay the same into a separate fund which is to be specifically designated as the Cooperative Law Library Fund, said Fund to be used exclusively for the purpose of maintaining existing volumes in an updated and current manner and for the acquisition of new legal work to be kept in the Cooperative Law Library jointly maintained by the Washington County Bar Association and East Tennessee State University.

**SECTION 3.** All expenditures paid from the fund are to be made by the County Judge upon the authorization of the Quarterly County Court.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Washington County before December 31, 1977. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court of Washington County and certified by the presiding officer to the Secretary of State for the State of Tennessee.

PASSED: May 19, 1977

## Taxation - Historical Notes

### Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Washington County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 121, provided an additional \$3.00 per day to the compensation of the Washington County Tax Assessor for the actual number of days he sat with the county board of equalization.
2. Private Acts of 1925, Chapter 205, set the salary of the Washington County Tax Assessor at \$2,750 per annum. This act was amended by Private Acts of 1939, Chapter 21, so as to set the salary of the tax assessor at \$200 per month beginning with January of each year. This act was repealed by Private Acts of 1941, Chapter 176.
3. Private Acts of 1929, Chapter 528, fixed the salary of the Washington County Tax Assessor at \$3,000 per annum and defined his duties and powers. The act also provided for the appointment of two deputy tax assessors who were paid an annual salary of \$1,000. This act was amended by

Private Acts of 1931, Chapter 548, so as to replace A.S. Miller as deputy tax assessor with Frank B. Guat. Private Acts of 1931, Chapter 285, amended Private Acts of 1929, Chapter 528, so as to remove A. S. Miller as deputy tax assessor and replace him with Frank B. Gant. Private Acts of 1929, Chapter 528, was further amended by Private Acts of 1935, Chapter 535, so as to reduce the annual salary of the Washington County Tax Assessor to \$2,400. Private Acts of 1929, Chapter 528, was repealed by Private Acts of 1941, Chapter 176.

4. Private Acts of 1941, Chapter 176, fixed the salary of the Washington County Tax Assessor at \$4,200 per annum. This act was duplicated in Private Acts of 1941, Chapter 288. Private Acts of 1953, Chapter 494, amended Private Acts of 1941, Chapter 176, so as to set the salary of the Washington County Tax Assessor equal to the salary of each elected county official named in section 10727 of the Code of Tennessee for 1932.

### **Taxation**

The following is a listing of acts pertaining to taxation in Washington County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1794, Chapter 15, provided for a levy of a tax of 25 cents per hundred acres of land, 25 cents per slave between the ages of 10-50 years, and 25 cents on each white male between the age of 21 and 50, the purpose of which was to raise funds to build a courthouse in Washington County.
2. Acts of 1796 (2nd Sess.), Chapter 2, exempted Washington County from the provisions of the act which called for the laying and collecting of additional county taxes.
3. Acts of 1799, Chapter 6, authorized the Washington County Court to levy an additional county tax on land, billiard tables, horses and lots, to complete the courthouse, prison and stocks as prescribed in Acts of 1794, Chapter 15.
4. Acts of 1801, Chapter 62, authorized the Washington County Court to levy a tax for purposes of procuring a standard of weights and measures.
5. Acts of 1803, Chapter 44, authorized the Washington County Court to levy an additional county tax to pay off Charles Robertson, who built the county courthouse, prison and stocks.
6. Private Acts of 1819, Chapter 20, authorized the Washington County Court to lay a tax for the purpose of building a courthouse, prison and stocks in the Town of Jonesborough.
7. Private Acts of 1820, Chapter 45, authorized the justices of the peace of Washington County to levy a tax to build a courthouse and jail.
8. Acts of 1903, Chapter 271, authorized Washington County to inaugurate general improvements in its public roads by the levy and expenditure of a special tax for the payment of the improvements so made.
9. Private Acts of 1913 (Ex. Sess.), Chapter 7, authorized the county court of Washington County to levy a special tax for the purpose of grading and macadamizing the public roads in the county. This act was amended by Private Acts of 1915, Chapters 241, so as to authorize the county court of Washington County to levy a special tax not exceeding \$1.00 on every \$100 of taxable property in said county. Private Acts of 1913 (Ex. Sess.), Chapter 7, was further amended by Private Acts of 1915, Chapter 577, so as to provide that the tax of \$1.00 on every \$100 not take effect until after an election by the voters of Washington County on the issue of whether or not to levy said tax. Private Acts of 1913 (Ex. Sess.), Chapter 7, as amended, was subsequently repealed by the Private Acts of 1917, Chapter 145.
10. Private Acts of 1925, Chapter 125, created the office of delinquent poll tax collector for Washington County and provided the manner of filling said office, the qualifications for the one filling said office, the length of the term thereof, and the compensation, duties and powers of said officer.
11. Private Acts of 1927, Chapter 286, exempted Washington County from Acts of 1907, Chapter 602, known as the general assessment law.
12. Private Acts of 1927, Chapter 307, provided that the farm belonging to Dr. J.R. McCrary lying both in Greene and Washington counties would be assessed only in Washington.
13. Private Acts of 1931, Chapter 55, levied a road tax of \$2.00 on all those subject to "road time."
14. Private Acts of 1937 (2nd Ex. Sess.), Chapter 2, authorized Washington County to levy a tax upon all taxable property for the purpose of locating, grading, macadamizing, hard-surfacing, building, constructing, repairing and maintaining public roads, bridges and culverts in said county.

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