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# Chancery Court

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# Chancery Court

## Acts of 1879 Chapter 127

**SECTION 1.** That the 17th Civil District of Sullivan County shall constitute a Chancery District, and the Court shall be held at the Town of Bristol, by the Chancellor of the First Chancery Division of this State, on the second Mondays of June and December of each and every year.

**SECTION 2.** That the Clerk and Master of the Chancery Court of Sullivan County appointed pursuant to Section 3 of this act by the Chancellor for the Second Judicial District, shall perform all the duties, have all the rights and powers, and be subject to all the duties and liabilities now by law imposed upon such officers, and shall have all the fees and emoluments as are now allowed to such officers, and before entering upon the duties of said office, he shall execute the several bonds now required by law for Clerks and Masters to execute, and shall take the oaths prescribed by law, and shall keep his office in the Town of Bristol.

As amended by: Private Acts of 2000, Chapter 65.

**SECTION 3.** That the Sheriff of said Sullivan County and his deputies shall serve as the officers of said Court, and shall obey all orders, and execute all process as now required by law to do, by the orders of the Chancery Court of said Sullivan County. He shall execute separate bonds for the faithful performance of his duties as such officer of said Court, and shall have all the rights, and be subject to the same penalties, and receive the same compensation as now provided by law for the various Sheriffs of this State.

**SECTION 4.** That the fines and forfeitures arising or growing out of any business in said Court, shall be disposed of as the fines and forfeitures which are now collected in the Chancery Courts of this State.

**SECTION 5.** That any suits now pending or hereafter brought in the Chancery Court at Blountville, may by consent of the parties be transferred to the Chancery Court at Bristol. That upon application of the parties for a removal as aforesaid, the Clerk and Master at Blountville shall transmit all the papers in the case, together with a copy of all orders and decrees to the Clerk of the Chancery Court at Bristol, also a bill of the costs accrued in said Court at Blountville.

**SECTION 6.** That the citizens of the First, Second and Nineteenth Civil Districts of said Sullivan County, may bring their suits in equity in the said Court at Bristol, against any citizens residing within said Civil Districts, but no citizens residing out of said First, Second and Nineteenth Civil Districts shall be sued in said Courts, unless the subject of said suit is situate in said Civil Districts.

**SECTION 7.** That no citizen of the said Seventeenth Civil District of said County shall be sued in the Chancery Court at Blountville for said County, unless it be in a local action of which said last mentioned Court has exclusive jurisdiction by reason of the location of the property about which the action may be brought.

**SECTION 8.** That counterparts of writs may issue from said Court, against joint defendants residing or living beyond the limits of said Seventeenth Civil District, in all cases where the Court has the legal or rightful jurisdiction of the subject matter of the litigation.

**SECTION 9.** That the expense of erecting or providing a Court House and all necessary offices for said Court shall be paid by the citizens of the Town of Bristol, and none of the citizens of Sullivan County, residing out of the limits of the Town of Bristol, shall never be taxed to pay any portion of the expense of erecting or providing any of said public buildings at Bristol.

**SECTION 10.** That there shall be held at Bristol, in the County of Sullivan, a Law Court for the Seventeenth Civil District of said County, to be called the Law Court of Bristol, and to constitute one of the Courts of the First Judicial Circuit, and to be held by the Judge thereof, with common law jurisdiction, original and appellate – over all causes of a civil nature, arising within said Seventeenth Civil Districts.

**SECTION 11.** That the citizens of the First, Second and Nineteenth Districts of said County may bring their civil actions in said Law Court against citizens of the said First, Second, Seventeenth and Nineteenth Districts of said County if they so desire, and said Law Court shall have and exercise jurisdiction over the same, as if all the parties resided in said Seventeenth Civil District, and all civil causes heard and determined before any Justice or Justices of the Peace of said First, Second, Seventeenth and Nineteenth Districts, may be appealed or brought up by writs of certiorari to said Law Court; Provided, the plaintiff or defendant resides in said First, Second, Seventeenth or Nineteenth Districts, and either of them demand such appeal or writs of certiorari, said Law Courts shall have and exercise jurisdiction over all such cases, as if the same had been heard by a Justice or Justices of the Peace of said Seventeenth Civil District, and between citizens of said Seventeenth Civil District.

**SECTION 12.** That the citizens of said County of Sullivan, residing outside of said First, Second, Seventeenth and Nineteenth Districts, shall not be liable to be sued in said Law Court at Bristol, unless in real actions, of which said Law Court has exclusive jurisdiction; but any defendant residing outside of said Civil Districts may waive his rights and have his suit returned to said Law Court, notwithstanding the process issued from, and is returnable to, the Circuit Court of Sullivan County in any civil action, unless the cause of action is of such a local nature as to give the Circuit Court of Sullivan County peculiar or exclusive jurisdiction in all cases, as provided for in this Section, where the right is so waived, the said Law Court shall have and exercise jurisdiction over them, as if the same had been brought by citizens of the Seventeenth Civil District against citizens of the same District.

**SECTION 13.** That said Law Courts shall be held by the Judge of the First Judicial Circuit, on the fourth Mondays of March, July and November of each and every year, and said Judge shall have and exercise all the powers and perform all the duties provided by law for the Circuit Court Judges of this State, and the practice in said Law Court shall be the same as in the Circuit Courts of the State, and whenever said Law Court has jurisdiction over any cause of action, counterpart of any original writs, may issue from said Court, for joint defendants residing outside of said First, Second, Seventeenth and Nineteenth Districts.

**SECTION 14.** That the Sheriff of said Sullivan County shall by himself or deputy attend the sittings of said Court, and aid in holding the same as is now provided by law for Sheriffs of this State, requiring them to be present and discharge certain duties, and said Sheriff shall himself or have a deputy who shall reside in said 17th Civil District, and shall himself or deputy perform all the duties pertaining to said Law Court, and have all the fees and emoluments that are now allowed by law to the various Sheriffs of this State.

**SECTION 15.** That the Clerk of the Circuit Court of Sullivan County shall be the Clerk of said Law Court at Bristol, and shall by himself or deputy keep an office in the Town of Bristol for the transaction of all business pertaining to said court, and shall keep the same open constantly, and shall have and exercise all the powers, and receive all the fees and emoluments that are common to all Clerks of the Circuit Courts of this State.

**SECTION 16.** That the Justices of the Peace of the said 17th Civil District shall, on the first Saturdays of March, July and November, of each and every year, designate twelve good citizens, free-holders or house-holders, residing in said First, Second, Seventeenth and Nineteenth Districts, to serve as jurors to said Law Court for the term immediately ensuing, after their designation. Said Justices shall hand a list containing said jurors to the Clerk of said Law Court who shall immediately issue a writ of venire facias commanding the Sheriff to summons said jurors, named in said writ, to attend as jurors, if said justices fail to designate said jurors the Judge shall at the opening of said Court at each term when such failure occurs appoint the jurors

for said term out of any of the citizens who are qualified, regardless of whether they reside out of said 17th Civil District or not; that the jurors to said Law Court shall have the same pay as the jurors who attend the Circuit Courts of this State, and be paid as other jurors of said Sullivan County.

**SECTION 17.** That the citizens of the Town of Bristol shall pay all the expenses incurred or to be incurred in erecting or providing suitable buildings for a court house and necessary public offices for said Law Court and none of the other citizens of the said Seventeenth Civil District or of Sullivan County, except the citizens of the Town of Bristol shall ever be taxed for said purposes.

**SECTION 18.** That any suit or suits of a civil nature, now pending in the Circuit Court of Sullivan County, between citizens of the said First, Second, Seventeenth and Nineteenth Districts, may, by consent of the parties or their attorneys, be transferred to the Law Court at Bristol, and said Court shall have and exercise the same jurisdiction over them as if they had been originally brought in said Law Court. That all fines and forfeitures arising from, or growing out of said Law Court, shall be disposed of as the fines and forfeitures which are imposed by the Circuit Court of Sullivan County. That this Act take effect from and after its passage, the public welfare requiring it. Passed: March 18, 1879.

**COMPILER'S NOTE:** This private act appears to have been mostly superseded by the general law codified at T.C.A. § 16-2-506(2)(A).

## Private Acts of 1919 Chapter 737

**SECTION 1.** That the Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Civil Districts of Sullivan County, shall constitute a Chancery District and the court shall be held in the City of Kingsport by the Chancellor of the First Chancery Division of this State on the third Mondays of March and September of each and every year.

**SECTION 2.** That the Clerk and Master of the Chancery Court of Sullivan County appointed pursuant to

Section 3 of this act by the Chancellor for the Second Judicial District, shall perform all the duties, have all the rights and power, and be subject to all the duties and liabilities now by law imposed upon such officers, and shall have all the fees and emoluments as are now allowed to such officers, and before entering upon the duties of said office, he shall execute the several bonds now required by law for Clerks and Masters to execute, and shall take the oath prescribed by law and shall keep his office in the City of Kingsport.

As amended by: Private Acts of 2000, Chapter 65.

**SECTION 3.** That the Sheriff of Sullivan county and his deputies shall serve as the officers of the said court, and shall obey all orders and execute all process as now required by law to do, by the orders of the Chancery Courts of said Sullivan County. He shall execute separate bonds for the faithful performance of his duties as such officer of the said court, and shall have all the rights and be subject to the same penalties, and receive the same compensation as now provided by law for the various Sheriffs of this State.

**SECTION 4.** That the fines and forfeitures arising, or growing out of any business in said court, shall be disposed of as the fines and forfeitures which are now collected in the Chancery Court of this State.

**SECTION 5.** That any suit now pending or hereafter brought in the Chancery Court of Blountville, may by consent of the parties, or their attorneys be transferred to the Chancery Court at Kingsport. That upon application of the parties, or by their attorneys, for removal, as aforesaid, the Clerk and Master at Blountville shall transmit all the papers in the case, together with a copy of all orders and decrees, to the Clerk of the Chancery Court at Kingsport, also a bill of the costs accrued in said court at Blountville.

**SECTION 6.** That the citizens of the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts of said Sullivan county shall bring their suits in equity in said court at Kingsport, against any citizens residing within said civil districts, but no citizen residing out of said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts shall be sued in said courts, unless the subject of said suit is situated in said civil districts.

**SECTION 7.** That no citizen of said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts of said county shall be sued in the Chancery Court at Blountville, for said county, unless it be in a local action, in which last mentioned court has exclusive jurisdiction by reason of the location of the property about which the action may be brought.

**SECTION 8.** That counter parts of writs may issue from said court against joint defendants residing or living beyond the limits of the said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts in all cases where the court has legal or rightful jurisdiction of the subject matter of the litigation.

**SECTION 9.** That the expenses of providing a suitable court room and office room for said court, together with heat, lights and water therefor, shall be paid by the city of Kingsport so long as said court shall be continued.

**SECTION 10.** That there shall be held at Kingsport, in the County of Sullivan, a law court for the Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Civil Districts of said county, to be called the law court of Kingsport, and to constitute one of the courts of the first judicial circuit, and to be held by the Judge thereof, with common law jurisdiction original and appellate over all causes of a civil nature, arising within said Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Civil Districts.

**SECTION 11.** That the citizens of the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts of said county shall bring their civil action in said law court against citizens of said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts, of said county, and said law court shall have, and exercise jurisdiction over the same, and all civil cases heard and determined before any Justice or Justices of the Peace of the said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts, may be appealed or brought up by writs of certiorari or supersedeas; provided, the plaintiff or defendant reside in said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts, and either of them demand such appeal or writ of certiorari or supersedeas; said law court shall have and exercise exclusive, original and appellate jurisdiction over all such cases.

**SECTION 12.** That the citizens of said county of Sullivan residing outside of said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts, shall not be liable to be sued in said law court at Kingsport, unless in real actions, of which said law court has exclusive jurisdiction or except in cases otherwise provided by law; but any defendant residing outside of said civil district may waive his rights and have his suit returned to said law court, notwithstanding the process issued from and is returnable to the Circuit Court of Sullivan county in any civil action, unless the cause of action is of such a local nature, as to give the Circuit Court peculiar or exclusive jurisdiction in all cases as provided for in this Section where the right so waived to said law court, shall have and exercise jurisdiction over them.

**SECTION 13.** That said law courts shall be held by the Judge of the First Judicial Circuit Court on the fourth Mondays of March, July and November of each and every year and said Judge shall have and exercise all the powers and perform all the duties provided by law for Circuit Judges of this State, and the practice in said law court shall be the same as in the Circuit Courts of the State, and whenever said law court has jurisdiction over any cause of action, counterpart of any original writs may issue from said court, for joint defendants residing outside of said tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts.

**SECTION 14.** That the sheriff of Sullivan county shall by himself, or deputy attend the sittings of said court, and aid in holding the same as is now provided by law for Sheriffs of this State, requiring them to be present and discharge certain duties, and said Sheriff shall himself, or have a deputy who shall reside in said eleventh, or twelfth civil district, and he himself or his deputy shall perform all the duties pertaining to said law court, and have all the fees and emoluments that are now allowed by law to the various Sheriffs of this State.

**SECTION 15.** That the Clerk of the Circuit Court of Sullivan county shall be Clerk of the Law Court at Kingsport, and shall by himself or deputy, keep an office in the city of Kingsport, for the transaction of all business pertaining to said court, and shall keep the same open constantly, and shall have and exercise all the powers, and receive all the fees and emoluments that are common to all Clerks of the Circuit Courts of this State.

**SECTION 16.** That the Clerk of the Circuit Court of Sullivan county shall receive a salary of \$2,500.00 per year in order that he may be able to secure the services of a deputy clerk which will be required by reason of the passage of this Act.

**SECTION 17.** That the jurors selected to serve from time to time in said law court shall be selected and summoned to appear in the same manner and be subject to the same qualifications as is provided by the laws of this State for jurors who serve in the various Circuit Courts of this State; said jurors, however, shall be citizens, freeholders and householders, residing in the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts of Sullivan county, that the jurors to said law court shall have the same pay as jurors to said law court shall have the same pay as jurors who attend the Circuit Courts of this State and be paid as other jurors of Sullivan County.

**SECTION 18.** That the city of Kingsport shall pay the expenses incurred or to be incurred in providing suitable court room and office room for said law court together with heat, light and water therefor.

**SECTION 19.** That any suit or suits of a civil nature, now pending in the Circuit Court of Sullivan county, between citizens of the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth civil districts, may by consent of the parties, or their attorneys, be transferred to the law court at Kingsport, and said court shall have and exercise the same jurisdiction over them as if they had been originally brought in said law court. That all fines and forfeitures arising from, or growing out of said law court, shall be disposed of as the fines and forfeitures which are imposed by the Circuit Court of Sullivan county. That this Act take effect from and after its passage, the public welfare requiring it. Passed: April 14, 1919.

**COMPILER'S NOTE:** This private act appears to have been mostly superseded by the general law codified at T.C.A. § 16-2-506(2)(A).

## Probate Jurisdiction

### Private Acts of 1988 Chapter 135

**SECTION 1.** All jurisdiction relating to the probate of wills and the administration of estates and related matters heretofore vested in the Probate Court of Sullivan County is hereby transferred to the Chancery Court of Sullivan County at Blountville. The Chancery Court at Blountville shall have exclusive jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, heretofore vested in the Probate Court of Sullivan County. All active probate matters pending before the Probate Court on the effective date of this act shall remain in such court until such matters are completed.

**SECTION 2.** The Clerk and Master of the Chancery Court at Sullivan County shall serve as clerk for probate matters and shall be vested with the same powers and authority in such matters as provided in Tennessee Code Annotated, Section 16-16-201(b). The Clerk and Master shall receive no additional compensation for the duties for probate matters.

As amended by: Private Acts of 2000, Chapter 65.

**SECTION 3.** By no later than the last day of the month in which this act becomes effective, the clerk of the Probate Court shall transfer all files and records, except those files and records pertaining to active

cases pending before the Probate Court, concerning a probate matter in Sullivan County to the office of Clerk and Master of the Chancery Court at Blountville.

**SECTION 4.** Chapter 33 of the Private Acts of 1983 is 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 Sullivan County. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified by him 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: February 18, 1988.

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