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## Chapter V - Court System

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## Chapter V - Court System

### Court System - Historical Notes

#### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Fentress 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 670, created a Board of Jury Commissioners for Fentress County, prescribing their qualifications, method of appointment, terms of office and duties. The provisions of this act were similar to those found in the general statutes and it was repealed by Private Acts of 1933, Chapter 267.
2. Private Acts of 1949, Chapter 47, provided that in Fentress County, jurors would be paid a per diem of \$4, but no juror would be entitled to compensation unless he served at least two days.
3. Private Acts of 1949, Chapter 928, allowed for the creation of a Board of Jury Commissioners in Fentress County by amending the population requirement as was set out by the Private Acts of 1917, Chapter 427. That act created a Board of Jury Commissioners in counties with a population requirement that exceeded that of Fentress County. Private Acts of 1949, Chapter 928, further amended the 1917 act by providing that the Board of Jury Commissioners be composed of three persons, each to serve for a period of two years.

#### **Chancery Court**

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of equity jurisdiction in Fentress County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1824, Chapter 14, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice each year. Fentress County was served by the Court sitting in Carthage on the third Monday in May and November. Courts were also to be held at Greenville, Rogersville, Kingston, Franklin, Columbia, Charlotte, Jackson and McMinnville.
2. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Fentress County was in the Eastern Division and continued to be served by the Court sitting in Carthage. One Chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
3. Public Acts of 1827, Chapter 88, stated that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience. The Chancery Court at Carthage had to be held twice a year on the third Monday in July and January.
4. Public Acts of 1831, Chapter 57, created a Chancery Court for the Eastern District of the State to be held in the town of Monroe. This Court was established for Fentress and Overton Counties and would meet on the first Monday in April and October.
5. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Fentress, Overton and Jackson Counties were in the First District of the Middle Division, the Court for which would be held in Livingston on the first Monday in January and July.
6. Acts of 1837-38, Chapter 116, changed the times of holding Chancery Courts in the Middle Division to the first Monday in March and September to be held in Livingston.
7. Acts of 1853-54, Chapter 54, provided that there would be a Chancery Court in Jamestown, to be held on the fourth Monday in March and September.
8. Acts of 1853-54, Chapter 123, changed the date for holding Chancery Court in Jamestown to the third Monday in March and September. This act also specified that Fentress County would constitute a separate chancery district.
9. Acts of 1855-56, Chapter 112, changed the terms of Chancery Court in Fentress County to the



second Monday in April and October.

10. Public Acts of 1857-58, Chapter 88, reorganized the entire lower judicial system in Tennessee. The State was separated into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. Fentress was assigned to the Fifth Division, also containing the Counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Overton, Scott, Morgan, Roane, Meigs, Rhea, Blount and Monroe. Chancery Court would begin on the second Monday in April and October at Jamestown.
11. Private Acts of 1865-66, Chapter 129, authorized the Judge of the Seventeenth Judicial District to hold Chancery Court for the Counties of Fentress, Morgan, Cumberland and Scott at the times prescribed by law for holding the Circuit Court in those Counties.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Second District was composed of Fentress, Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott and Morgan Counties.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the starting dates for both terms of the Chancery Court in every county of the State. In Fentress County the Chancery Court would meet on the third Monday in June and December. Fentress County was a part of the Second Division.
14. Acts of 1872 (Ex. Sess.), Chapter 15, provided that Chancery Court in Fentress County would be held on the first Thursday after the fourth Monday in April and October.
15. Public Acts of 1885, Chapter 12, changed the time for holding Chancery Court in Fentress County to the first Monday in April, August and December.
16. Public Acts of 1885, Chapter 107, established that all appeals from the Fentress County Courts be taken to the Supreme Court at Knoxville rather than to Nashville.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of Tennessee. The act created eleven Chancery Divisions of which the Fifth was made up of the Counties of Fentress, Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith and Macon with the Courts of Fentress to begin on the third Monday in March and September.
18. Public Acts of 1890, Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the time Chancery Courts of the Fifth Division met. In Fentress County, the Chancery Court met on the second Monday in May and November.
19. Acts of 1891 (Ex. Sess.), Chapter 11, changed and fixed the starting date for holding Chancery Court in the Fifth Chancery Division. In Fentress County the Chancery Court met on the second Monday in April and October.
20. Public Acts of 1895, Chapter 15, changed the starting date for holding Chancery Court in the Fifth Chancery Division. In Fentress County the Chancery Court met on the third Monday in April and October.
21. Public Acts of 1897, Chapter 43, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, to stabilize the work of Judges, Chancellors and Attorney-Generals in the State, and change and fix the date of holding said courts. Fentress County was not affected. The Fifth Chancery Division in Fentress continued to be held on the third Monday in April and October.
22. Private Acts of 1897, Chapter 294, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the starting date for Chancery Courts in the Fifth Division. Fentress County was not affected.
23. Public Acts of 1899, Chapter 150, transferred the authority to hear appeals from the Courts of Fentress back to the Supreme Court as Nashville appeals had previously been heard in Knoxville.
24. Public Acts of 1899, Chapter 427, divided the State of Tennessee into ten Chancery Divisions. Fentress, Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott and Union Counties composed the Second Chancery Division. In Fentress, Chancery Court was held on the fourth Monday in March and September.
25. Acts of 1901, Chapter 438, detached Fentress County from the Second Chancery Division and placed it in the Fourth Chancery Division.
26. Acts of 1903, Chapter 97, set the time for holding Chancery Court on the third Mondays in April and October.
27. Acts of 1905, Chapter 120, changed the time for holding Chancery Courts in the Fourth Chancery Division. In Fentress County, Chancery Court was held on the first Monday in April and October.
28. Private Acts of 1911, Chapter 507, changed the date for holding Chancery Court in Fentress County to the fourth Monday in March and September.



29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire system of lower courts in the State. The act created fourteen Chancery Divisions. The County of Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White and Putnam were assigned to the Fourth Chancery Division. Court began in Fentress County on the fourth Monday in March and September.

#### **Chancery Court - Clerk and Master**

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

1. Private Acts of 1929, Chapter 248, provided that the Fentress County Clerk and Master would receive an annual salary of \$1,800. The fees collected by the Clerk and Master became the property of the County and he had to pay the money to the Trustee. The Clerk and Master was required to report monthly all the fees collected by them in an itemized statement, which was to be presented to the Trustee
2. Private Acts of 1933, Chapter 58, amended Private Acts of 1929, Chapter 248, above, by directing the Clerk and Master to pay over all fees coming to their office to the Trustee of Fentress County upon order of the County Judge or Chairman. The act also required the Clerk and Master to keep and file monthly with the County Judge or Chairman, an itemized statement of all the fees coming to the Clerk and Master.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Fentress 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. Private Acts of 1824, Chapter 154, provided that the Circuit Court for Fentress County be held on the fourth Monday in March and September. Circuit Court was to be held at the house of Coonrod Poiles.
2. Private Acts of 1825, Chapter 171, provided that the time for holding Circuit Court would be the third Monday in March and September, with court to be held for no more than one week. The Judge for the third circuit was authorized to appoint a clerk for the Circuit Court of Fentress County.
3. Public Acts of 1827, Chapter 79, declared that when the business of the dockets of the Circuit Court could not be completed during its regular term, the Judges of each Circuit Court were empowered to appoint a special term. This was to be done in a regular term by order of the Circuit Court Judge, who must also appoint three Justices from the county in which such special term is to be held, who would make out a jury list. The Circuit Court was to meet at the times prescribed by law.
4. Public Acts of 1832, Chapter 20, changed the starting date for holding Circuit Court in Fentress County to the third Monday in February and August.
5. Public Acts of 1833, Chapter 21, changed the starting date for holding Circuit Court in Fentress County to the fourth Monday in February and August.
6. Public Acts of 1835-36, Chapter 5, reorganized the lower court system of Tennessee into eleven Judicial Circuits and directed that the Circuit Courts hold three terms per year. The Fourth Judicial Circuit was composed of Smith, Overton, White, Jackson, Fentress and Warren Counties. Circuit Court for Fentress County would begin on the third Monday in February, June and October.
7. Private Acts of 1835-36, Chapter 79, provided that Circuit Court was to be held on the third Monday in June 1836 instead of the fourth Monday in February, 1836.
8. Acts of 1845-46, Chapter 82, changed the dates for Court in the Counties of the Fourth Judicial Circuit. Fentress County Circuit Court would begin on the third Monday in February, June and October.
9. Acts of 1851-52, Chapter 230, changed the date of holding Circuit Court in Fentress County to the second Monday in February, June and October.
10. Public Acts of 1857-58, Chapter 95, created the Sixteenth Judicial Circuit. The Counties of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress and Overton composed the Sixteenth Judicial Circuit. The starting date for holding court in Fentress County was on the fourth Monday in March, July and November in Jamestown.
11. Public Acts of 1857-58, Chapter 98, scheduled the dates for holding Circuit Courts throughout the State of Tennessee. Fentress County was a part of the Fifth Circuit along with the County of



- Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott and Overton. Fentress County held Circuit Court on the first Monday of February, June and October.
12. Private Acts of 1859-60, Chapter 59, changed the time for holding Circuit Court to the second Monday in February and the first Monday in June and October.
  13. Public Acts of 1865-66, Chapter 8, established the Seventeenth Judicial Circuit. The Counties of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland composed this Judicial Circuit. Fentress County was to hold Circuit Court at Jamestown on the first Monday after the fourth Monday in March, July and November. This act was repealed by Public Acts of 1869-70, Chapter 25, by abolishing the Seventeenth Judicial Circuit. The Counties that composed this Circuit were assigned to the Circuits they previously were a part of.
  14. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen regular and one special Judicial Circuits. The Third Judicial Circuit contained the Counties of Fentress, Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Blount and Christiana.
  15. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting date for holding Third Circuit Court in Fentress County to the fourth Monday in March, July and November.
  16. Public Acts of 1873, Chapter 22, created and established the Sixteenth Judicial Circuit. The Counties of Fentress, Anderson, Campbell, Scott, Morgan, Overton and Cumberland composed this Circuit. Fentress County held Circuit Court on the first Monday after the fourth Monday of March, July and November in Jamestown.
  17. Public Acts of 1885, Chapter 12, set the terms of Circuit Court on the first Monday in April, August, and December.
  18. Public Acts of 1885, Chapter 107, provided that appeals from the Court of Fentress County were to be taken to the Supreme Court in Knoxville rather than to the Supreme Court in Nashville.
  19. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special Judicial Circuits. The Fifth Judicial Circuit was composed of Fentress, Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale. The Circuit Court in Fentress County was to be held on the first Tuesday after the last Monday in January, May and September.
  20. Public Acts of 1887, Chapter 12, scheduled the date for holding Circuit Court for the Fifth Judicial District in Fentress County to the first Monday after the fourth Monday in January, May and September.
  21. Public Acts of 1887, Chapter 144, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by detaching Fentress County from the Fifth Judicial Circuit and making it a part of the Third Judicial Circuit. Public Acts of 1899, Chapter 168, abolished the Third Judicial Circuit.
  22. Public Acts of 1889, Chapter 160, provided that Circuit Court in Fentress County would be held in Jamestown on the first Monday in April, August and December.
  23. Public Acts of 1899, Chapter 168, abolished the Third Judicial Circuit. That Circuit was composed of Blount, Loudon, Roane, Morgan, Fentress and Scott Counties.
  24. Public Acts of 1899, Chapter 409, assigned Fentress, Scott and Morgan Counties to the Second Judicial Circuit. Circuit Court was held on the third Monday in March, July and November.
  25. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, herein, by authorizing the Chancellor of the Fourth Chancery Division to hold Circuit Court in Fentress County on the third Monday in February and August. This section of the act was repealed by Acts of 1905, Chapter 59.
  26. Acts of 1905, Chapter 359, empowered the Judge of the Criminal Court created by this act to hold Circuit Court in the Counties of Fentress, Morgan, Scott, Pickett and Union at the time prescribed by law.
  27. Acts of 1905, Chapter 477, scheduled the date for holding Circuit Court in the Second Judicial Circuit. In Fentress County, Circuit Court was held on the fourth Monday in April, August and December.
  28. Acts of 1907, Chapter 85, provided that the Judge of the Fifth Judicial Circuit would hold the Circuit Court for Fentress County.
  29. Acts of 1907, Chapter 122, authorized the Judge of the Fifth Judicial Circuit to hold the Circuit Court in Fentress County on the third Monday in April, August and December.
  30. Private Acts of 1915, Chapter 640, changed the time of holding Circuit Court in Fentress County to the second Monday in April, August and December rather than the third Monday in those months. This change was made since the third Monday conflicted with the holding of Federal Court in Cookeville and this was an inconvenience to many citizens of Fentress County.



31. Private Acts of 1925, Chapter 763, set the terms of Circuit Court in Fentress County to the first Monday in March, July and November.
32. Public Acts of 1963, Chapter 340, authorized the Circuit Court Judge of the Nineteenth Judicial Circuit to appoint a secretary to perform secretarial duties. The Judge was allowed reimbursement for the amount spent for such assistance, provided the amount did not exceed \$3,000 per year. The money was to be paid out of the State Treasury.

### **Circuit Court - Clerk**

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

1. Private Acts of 1911, Chapter 257, set the salary of the Circuit Court Clerk of Fentress County at \$750 per year, with all fees collected by that office to become part of the county treasury.
2. Private Acts of 1921, Chapter 790, amended Private Acts of 1911, Chapter 257, above, by raising the salary of the Circuit Court Clerk to \$900 per year.
3. Private Acts of 1927, Chapter 328, provided that the Circuit Court Clerk was to be paid \$1,200 per year out of the fees of the office. Any overage was to be paid into the County General Fund, but if the fees failed to equal \$1,200 annually, the deficiency would be paid out of the general funds.
4. Private Acts of 1937, Chapter 706, provided that the Circuit Court Clerk in Fentress County be paid a salary of \$1,200 per year. The Clerk was allowed to retain all legal fees, fines and commissions then allowed by law for their service provided the Clerk report quarterly the same to the County Court. All the compensation received by the Clerk as payment, would be credited against the Clerk's salary.
5. Private Acts of 1949, Chapter 46, raised the annual salary of the Circuit Court Clerk in Fentress County to \$1,800 a year and again provided that all fees received by that office would become the property of the county.

### **Criminal Court**

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

1. Acts of 1905, Chapter 359, created a Criminal Court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union Counties to be known as the Criminal Court for the Second Judicial Circuit. The Court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a Judge, Clerk, and Attorney General. In Fentress County, Criminal Court was held on the fourth Monday in April, August and December. This Court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the Circuit Court wherein it was exercised before the passage of this Act. The Criminal Court Judge also held Circuit Court in the counties of Morgan, Scott, Fentress, Pickett and Union as prescribed by law.
2. Acts of 1907, Chapter 85, authorized the Attorney General of the Second Judicial Circuit to perform the duties of Attorney General in Fentress County Criminal Court. The act also authorized the Fifth Judicial Circuit Court Judge to hold Criminal Court for Fentress County.
3. Public Acts of 1929, Chapter 89, created a Criminal Court for the Counties of Fentress, Anderson, Campbell, Morgan, Scott and Claiborne. These counties comprised the Nineteenth Judicial Circuit. This Criminal Court had general common law and statutory jurisdiction along with original and appellate jurisdiction over all cases arising in those counties. In Fentress County, Criminal Court was held on the first Monday in January, May and September at Jamestown. The Circuit Court Clerks served as the Clerks of the Criminal Court. The Clerks were to perform the same duties and receive the same compensation. The Governor was empowered to appoint a Judge for the Criminal Court until there was a regular election, at which time qualified voters would elect a Judge. The Criminal Court Judges of the Nineteenth Judicial Circuit had the authority to interchange with the Circuit Court Judges of the same Circuit at any time, in the instance of public necessity or upon mutual desire or convenience. All criminal cases then existing or pending in the Circuit Courts would be transferred to the Criminal Court. The Attorney General of the Nineteenth Judicial Circuit was to perform the duties of Attorney General in the Criminal Court. County Courts, Jury Commissioners or other authorized persons of the counties in this Judicial Circuit had the authority to appoint juries for the Criminal Court.
4. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, scheduled the date for holding Criminal Court in the Nineteenth Judicial Circuit. In Fentress County, Criminal Court was held on the first Monday in January, May and September.



5. Private Acts of 1937, Chapter 178, amended Public Acts of 1929, Chapter 89, above, by changing the starting dates for the terms of court in Claiborne and Campbell Counties. Fentress County was unaffected.
6. Private Acts of 1937, Chapter 706, provided that the Criminal Court Clerk in Fentress County be paid a salary of \$1,200 per year. The Clerk was allowed to retain all legal fees, fines and commissions then allowed by law for their service provided the Clerk report quarterly the same to the County Court. All compensation received by the Clerk as payment would be credited against the Clerk's salary.
7. Private Acts of 1949, Chapter 46, provided that the Clerk of Criminal Court be paid the sum of \$1,800 per year. All fees received by that office would become the property of the county.
8. Public Acts of 1963, Chapter 340, authorized the Criminal Court Judge of the Nineteenth Judicial Circuit to appoint a secretary to perform secretarial duties. The Judge was allowed reimbursement for the amount spent for such assistance, provided the amount did not exceed \$3,000 per year. The money was to be paid out of the State Treasury.
9. Public Acts of 1967, Chapter 247, changed the date for holding Criminal Court in the Nineteenth Judicial Circuit. Fentress County was to hold Criminal Court on the second Monday in January, May and September.

#### **District Attorney General - Assistants and Criminal Investigators**

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

1. Public Acts of 1929, Chapter 91, created the office of the Assistant Attorney General in the Counties of Anderson, Morgan, Scott, Fentress, Claiborne and Campbell. This office was created for the Nineteenth Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years, and residing in one of the counties in the circuit. The Assistant Attorney General had the duties of assisting the District Attorney General in the prosecution of criminal cases, to attend the Grand Jury, and prepare cases for trial. The Judge of the Nineteenth Judicial Circuit had the duty of appointing the Assistant Attorney General to hold office until the expiration of the term of the Attorney General for that District. The act provided a salary of \$2,400 per year for the Assistant Attorney General.
2. Public Acts of 1937, Chapter 74, created the position of Criminal Investigator for the Nineteenth Judicial Circuit. The District Attorney General of this Judicial Circuit was empowered to appoint the investigator. To qualify, the person had to be a practicing attorney of lawful age and would perform the duties assigned to him by the District Attorney General. He held office during the term of the District Attorney General. The Criminal Investigator was allowed an annual salary of \$2,700 to be paid out of the State Treasury.
3. Public Acts of 1941, Chapter 18, amended Public Acts of 1929, Chapter 91, above, by allowing the District Attorney to appoint the Assistant Attorney General to hold office at the pleasure of such Attorney General of that District.
4. Public Acts of 1943, Chapter 102, amended Public Acts of 1929, Chapter 91, above, by increasing the salary of the Assistant Attorney General to \$2,700 per year.
5. Public Acts of 1949, Chapter 29, amended Public Acts of 1929, Chapter 91, as amended by Public Acts of 1943, Chapter 102, both above, by increasing the salary of the Assistant Attorney General to \$3,600 per year.
6. Public Acts of 1953, Chapter 261, amended Public Acts of 1949, Chapter 29, above, by increasing compensation to \$4,000 per year for the Assistant Attorney General.
7. Public Acts of 1965, Chapter 364, provided that the Assistant District Attorneys General and Criminal Investigators for the Nineteenth Judicial Circuit receive \$4,800 per year as compensation. The act also allowed that they both be reimbursed for their necessary travel expenses, provided the amount did not exceed \$600 in one year.
8. Public Acts of 1973, Chapter 322, created the position of Criminal Investigator for the Nineteenth Judicial Circuit. The official had the duties of investigating crime, taking statements of witnesses and assisting the District Attorney General in carrying out the duties of the office.

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