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A SUMMARY OF SPECIAL LEGISLATION  
RELATING TO THE GOVERNMENT OF SULLIVAN COUNTY

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A SUMMARY OF SPECIAL LEGISLATION  
RELATING TO THE GOVERNMENT OF SULLIVAN COUNTY

Special Publication Series

No. 4

Co-sponsored by the Government of Sullivan County

Prepared by  
The Tennessee Historical Records Survey Project  
Division of Professional and Service Projects  
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The Tennessee Historical Records Survey Project  
Nashville, Tennessee  
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## PREFACE

Although the Historical Records Survey Project has as its chief purposes the preparation and publication of guides to and inventories of public archives, church records, early American imprints, manuscripts, and manuscript depositories and collections, it has accumulated, as by-products, a considerable amount of material and prepared numerous memoranda in the course of routine editorial work which, under original plans, would not be made available generally.

Since publication, from time to time, of various parts of this miscellaneous material will not interfere unduly with the regular program of publication and since some of it may be of general interest and value, the Survey has decided to institute a series of special publications, making this material available in substantially the same form as it appears in our files.

This publication, tracing the course of important local legislation affecting the government of Sullivan County, was prepared from a memorandum addressed to the editors in the State Office of the Survey Project and the field workers in the county, as a guide in interpreting records not explained by the code or general law, in the inventory of the archives of Sullivan County. The editors and field workers were already informed of the records requirements and the structure of the county government under the general law, but because Sullivan County has, for peculiar reasons of population and geography, been the subject of much significant local legislation, particularly that establishing an unusually large number of special courts, a careful examination of the statutes was necessary before an intelligent inventory of the archives of the county could be made. For example, the county is the only one in the State with three independent chancery courts and three hardly less independent circuit courts with jurisdiction at law.

It is, further, a real pleasure for the Survey Project to issue this publication, for it offers the first opportunity to acknowledge publicly the real and substantial cooperation the Project has received from County Judge T. R. Bandy and the other county officials. Sullivan County is and has been an active co-sponsor of the Project. The enlightened interest shown by the county in preserving its records and providing adequate housing facilities for them should be a source of particular gratification to archivists, attorneys, and research workers generally.

Only the statutes were drawn on in the preparation of Legal Memorandum No. 34, from which this article was prepared, and, although no attempt was made to state the effect of judicial interpretation, it appears from the records and from information received from the county that all the more important acts went into effect as scheduled.

The abbreviation "P.A." means Public Acts of the General Assembly of Tennessee; "Pr.A.," Private Acts; "L.N.C.," Laws of North Carolina;



"S.R.N.C.," State Records of North Carolina; "ex.," extra; "ses.," session; and "Const.," Constitution.

The Sullivan County memorandum was written during the administration of T. Marshall Jones as State Supervisor of the Survey Project before he resigned to become State Supervisor of the Research and Records Section of the Division of Professional and Service Projects in February 1940. It was prepared under the supervision of William L. Miller, supervisor of the legal research unit. The application of the statutes was checked locally by Harry F. Remsen, supervisor of the Survey Project in Sullivan County. The bulletin in manuscript form was edited by Mabel S. Brodie, Assistant Archivist in charge of public records inventories, of the staff of the Library of Congress project in the District of Columbia. The Librarian of Congress recommended that this bulletin be approved for publication.

Madison Bratton, Acting State Supervisor  
The Tennessee Historical Records Survey Project

Nashville  
March 11, 1940

A SUMMARY OF SPECIAL LEGISLATION RELATING TO THE  
GOVERNMENT OF SULLIVAN COUNTY

Creation and Organization

Sullivan County was created in 1779, (1) the second North Carolina county west of the mountains, (2) and was organized during that year or the next.

County Seat

Blountville has apparently been the county seat since 1795, when it was established as the permanent seat of government, (3) although several acts contemplated its removal. (4) An act of 1850 named eight commissioners to select an appropriate place for the county seat, this choice to be subject to ratification by the voters who were to decide whether the seat was to be removed from Blountville. (5) The proposition to move the seat of government from Blountville apparently was defeated at the polls, for an act of 1851, creating the Sullivan County chancery court, directed that the court meet at Blountville. (6) An act passed December 5, 1865, provided for the transfer of the county seat from Blountville to Bristol. (7) The act, further, provided for the building of a jail and courthouse and the establishment of a common law, criminal, and chancery court at Kingsport. (8) There is no evidence in immediately subsequent acts that the act of 1865 ever became effective. (9) An act of 1919

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1. L.N.C. 1779, Oct. ses., ch. 29, in State Records of North Carolina, XXIV, Goldsboro, 1905, p. 301.

2. Washington county, out of which Sullivan was formed, had been created two years earlier, (L.N.C. 1777, Nov. ses., ch. 31, in S.R.N.C., XXIV, pp. 141, 142)

3. Acts 1795, ch. 9.

4. Acts 1849-50, ch. 80; P.A. 1865-66, ch. 12, sec. 1. Blountville is an unincorporated community of approximately three hundred inhabitants. (Roster of County and Municipal Officials in Tennessee, Nashville, 1938, p. 3) Sullivan County, with a 1930 population of 51,087, is Tennessee's fifth largest county. (Fifteenth Census of the United States, 1930, III, Population, part ii, Washington, 1932, p. 896)

5. Acts 1849-50, ch. 80.

6. Acts 1851-52, ch. 5.

7. P.A. 1865-66, 2nd ses., ch. 12, sec. 1.

8. Ibid., secs., 3, 12.

9. Blountville remains the county seat probably because it is roughly equi-distant from Bristol and Kingsport and because neither Bristol with a population of 12,005 (Fifteenth Census, III, Population, part ii, p. 890) nor Kingsport with a population of 11,914 (Ibid.) would likely be able to marshal the required approval of two-thirds of the qualified voters of the county in order to become the county seat. (Const. 1870, art. 10, sec. 4) The presence of the two sizeable cities of Kingsport and Bristol is, of course, responsible for the fact that a number of



authorized the quarterly county court to issue bonds up to \$50,000 for the building of a courthouse at Blountville.(10)

#### County Judge

By an act passed on February 25, 1868, the voters of Sullivan County were, on the second Saturday of March 1868, to elect a county judge for a term of eight years.(11) To be qualified to hold the office of county judge, a person had to have been a citizen of Sullivan County for three years and always to have been "an unconditional Union Man."(12) By an act passed on November 1, 1869, and effective after the first Monday in January 1870, the office of county judge was abolished.(13)

An act passed on March 17, 1921, designated the chairman of the county court as county judge to serve until September 1, 1922, when a judge elected by popular vote was to take office and serve until September 1, 1926, at which time a county judge elected for the regular term of eight years at the preceding August election was to take office.(14) The county judge was to be under a bond of \$5,000;(15) his salary was to be \$1,800 a year.(16)

Two acts passed on March 27, 1933, abolished the office of county judge and ordered the quarterly court to elect a chairman at its regular term in April 1933.(17)

An act passed on January 15, 1935, abolished the office of chairman and appointed one of the members of the quarterly court to serve as county judge until September 1, 1936, when his successor, elected by popular vote, was to take office and serve until September 1, 1942, when a county judge, elected by popular vote, is to take office for the regular term of eight years.(18) According to the act, he is under a bond of \$10,000 and receives an annual salary of \$1,200.(19) An act passed on April 17, 1935, requires all officers and officials to obtain the approval of the county judge or chairman before making a purchase to be paid for out of county funds.(20) However, the act exempts purchases up to \$100 made by the highway department from this requirement.(21)

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county offices and courts are permanently located in these places although the legal seat of government remains at Blountville.

10. Pr.A. 1919, ch. 423.

11. P.A. 1867-68, ch. 47, sec. 16. In all probability Sullivan County had a county judge for twenty-one months under the general law of 1856, (Acts 1855-56, ch. 253; P.A. 1857-58, ch. 5)

12. P.A. 1867-68, ch. 47, sec. 17.

13. P.A. 1869-70, 1st ses., ch. 7.

14. Pr.A. 1921, ch. 375.

15. Ibid., sec. 6.

16. Ibid.

17. Pr.A. 1933, chs. 195, 196.

18. Pr.A. 1935, ch. 15.

19. Ibid., secs. 7, 9.

20. Pr.A. 1935, ch. 599.

21. Ibid., sec. 3.

### County Court Clerk

Since about 1900 there has been a deputy county court clerk at Bristol and since 1922 there has been a deputy at Kingsport. These deputies are appointed by and serve at the will of the county court clerk at Blountville. They are concerned chiefly with the sale of merchants', automobile, drivers', fishing and hunting, marriage, beverage, and other licenses.

### County Attorney

An act of April 18, 1935, created the office of county attorney of Sullivan County, naming the officer to serve until his successor, to be named in the August 1936 election for the full term of two years, should take office.(22) This official is required to give a bond of \$5,000 and to take an oath of office.(23) Both the bond and the oath are to be filed with the county court clerk and written on the minutes of the quarterly court.(24) The county attorney is, according to the act, paid on a fee basis with a ceiling at \$1,200 a year.(25)

The duties of this official consist of representing the county in all suits brought by the county and against it, serving as back tax attorney, and, by and with the consent of the county judge, conducting, before a committee of three justices of the peace, an investigation of the unlawful expenditure of funds by any county official.(26) All compromises made by the attorney must be authorized by the quarterly court before they are legally binding.(27)

### Register

An act of 1899, apparently still in force, requires the register to have a deputy at Bristol.(28)

### Circuit, Criminal, Chancery, and Special Courts

When Sullivan County was organized, cases not heard by the court of pleas and quarter sessions or by justices of the peace were tried before the superior court of law held at Salisbury, North Carolina.(29) In 1782 Sullivan County was made part of the newly created Morgan District. At the same time, because criminals frequently found "means to break custody and escape" while being transferred from Sullivan and Washington Counties across the mountains to Burke County, and in order that offenders might

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22. Pr.A. 1935, ch. 609.

23. Ibid., sec. 1.

24. Ibid.

25. Ibid., sec. 3.

26. Ibid., sec. 2.

27. Ibid., sec. 4.

28. Acts 1899, ch. 242.

29. L.N.C. 1779, Oct. ses., ch. 29, sec. 6, in S.R.N.C., XXIV, p. 301.



"more easily and certainly be brought to justice," one of the judges of the superior court was directed to hold a court of oyer and terminer twice annually at the courthouse in Washington County for a trial of criminals arraigned in Sullivan and Washington Counties.(30) In 1784 Washington, Sullivan, Davidson, and Greene Counties were constituted the Washington District and provision was made for holding a superior court of law and equity, successor to the superior court of law, for the district at the Washington County courthouse.(31) Cases arising in Sullivan County that were not tried by the court of pleas and quarter sessions or by justices of the peace continued to be tried before the superior court in Washington County until the circuit court, organized in 1810, replaced the superior court of law and equity.(32)

A circuit court should have been first held in Sullivan County in 1810 and thereafter until the present time under the general laws of 1809, 1836, and 1870.(33)

From 1822 through 1835 a chancery court for Sullivan and a number of other counties was held at Rogersville, in Hawkins County.(34)

An act passed on December 22, 1835, constituted Carter, Sullivan, and Washington Counties the first district of the eastern chancery division, with courts to be held twice a year at Jonesborough, or Jonesboro, in Washington County.(35)

An act of December 9, 1851, made Sullivan County a separate chancery district and created the present chancery court which is held at Blountville .(36) An act of February 28, 1852, permitted the chancellor, upon application of the complainant and with the consent of the respondent, to transfer cases from Jonesborough to Blountville.(37)

An act of December 5, 1865, along with providing for the transfer of the county seat from Blountville to Bristol, provided for the organization of the "Common Law Criminal and Chancery Court of Kingsport."(38) By the creation of this court, the circuit and chancery courts of the county were to be divested of jurisdiction in the seventh, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts.(39) The circuit judge of the first judicial circuit was to be judge

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30. L.N.C. 1782, April ses., ch. 22, in S.P.N.C., XXIV, pp. 450-52.

31. L.N.C. 1784, Oct. ses., ch. 28, in S.P.N.C., XXIV, pp. 689,690.

32. Acts 1794, chs. 8, 15; Acts 1809, Sept. ses., ch. 49.

33. Acts 1809, Sept. ses., ch. 49; P.A. 1835-36, ch. 5; Acts 1869-70, 2nd ses., ch. 31.

34. P.A. 1822, ex. ses., ch. 13, sec. 1; P.A. 1824, ex. ses., ch. 14, sec. 8; P.A. 1827, ch. 88, sec. 3.

35. P.A. 1835-36, ch. 4, sec. 4.

36. Acts 1851-52, ch. 5.

37. Ibid., ch. 353.

38. P.A. 1865-66, 2nd ses., ch. 12, sec. 3.

39. Ibid., secs. 4-6,22..

of common law and criminal side of the court,(40) and the circuit court clerk of Sullivan County was to be clerk of the common law and criminal side and either he or his deputy was to keep open an office at Kingsport constantly.(41) The chancellor of the first chancery district was to hold the chancery side of the court (42) and was to appoint the clerk for this side of the court.(43) It may well be that this court never convened, for it was ignored in subsequent legislation and in the codes.(44)

An act of November 26, 1867, as amended by an act of February 25, 1868, made Johnson, Carter, Sullivan, Washington, Greene, Hawkins, and Hancock Counties a judicial criminal district.(45) An election to name a criminal judge was to be held in these counties on the third Thursday in April 1868.(46) The court was to have jurisdiction over all cases in which the State was party or all cases requiring the services of an attorney-general.(47) The Sullivan County circuit court clerk was to be clerk of this court in Sullivan County and was to keep a separate docket of criminal cases.(48) This court was abolished by an act of November 5, 1869, which returned criminal jurisdiction to the circuit court.(49)

The present chancery court at Bristol stems from an act of March 18, 1879, which made the seventeenth civil district a separate chancery district and directed that the court be held twice a year by the chancellor of the first district.(50) For this court, the chancellor appoints a clerk and master who must keep his office at Bristol.(51) Under the provisions of the 1879 act, as originally framed, all chancery cases brought against residents of the seventeenth civil district were to be brought before the court at Bristol except when the property in question was located in some other civil district.(52) Residents of the first, second, and nineteenth civil districts could bring suits in equity in this court or in the chancery court of Sullivan County against other residents of these districts but could not bring suits in equity in the court at Bristol against any person not a resident of any of these

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40. P.A. 1865-66, 2nd ses., ch. 12, sec. 6.

41. Ibid., sec. 8.

42. Ibid., sec. 9.

43. Ibid., sec. 10.

44. P.A. 1865-66, 2nd ses., ch. 41; Acts 1869-70, 2nd ses., chs. 31, 32, 46; Code 1871, secs. 115-117; Code 1884, secs. 127, 129. The Code of 1871, which lists in detail the special courts existing at that time, fails to mention Sullivan County in this connection. (Code 1871, sec. 117)

45. P.A. 1867-68, ch. 49, sec. 90.

46. Ibid., ch. 49, sec. 3.

47. Ibid., ch. 90, sec. 5.

48. Ibid., sec. 8.

49. P.A. 1869-70, 1st ses., ch. 11.

50. Acts 1879, ch. 127, sec. 1.

51. Ibid., sec. 2.

52. Ibid., sec. 7.



civil districts except when the property involved was in these districts, (53) In addition, any suits pending or brought before the chancery court at Blountville could, with the consent of the parties, be transferred to the court at Bristol. (54) Otherwise, suits in equity brought by non-residents of the first, second, and nineteenth civil districts against residents were presumably to be tried before the chancery court of Sullivan County, at Blountville,

In 1891 the Bristol chancery court's jurisdiction, similar to that it held under the 1879 act in the first, second, and nineteenth civil districts was extended to the third and sixteenth civil districts. Persons residing or doing business in the third or sixteenth civil districts were authorized to bring suits in equity against other persons residing or doing business in these districts in either the chancery court at Bristol or the chancery court of Sullivan County, but could not bring suits in the court at Bristol against persons not residing or doing business in these districts except when the subject of the suit was situated in these civil districts. (55) Presumably equity suits brought by persons not residing in or doing business in these districts against persons residing or doing business there were to be brought before the chancery court of Sullivan County.

In 1893 the chancery court at Bristol was granted exclusive jurisdiction over all equity cases in the first, second, and nineteenth civil districts, along with exclusive jurisdiction over equity suits in the seventeenth district, which it had previously held. (56) In this way, the chancery court of Sullivan County was divested of jurisdiction in the first, second, and nineteenth civil districts, which, for the most part, it had held concurrently with the court at Bristol. Further, by the act of 1893, it appears that the chancery court at Bristol exercises concurrent jurisdiction with the chancery court of Sullivan County over equity suits brought by residents of the first, second, seventeenth, and nineteenth civil districts against residents of the third and sixteenth civil districts and over equity suits brought by persons residing or doing business in the third and sixteenth civil districts against other persons residing or doing business in these districts. (57) Apparently persons not residing or doing business in the third or sixteenth civil districts can not be sued in the court at Bristol except when the subject of the suit is located in these districts. (58) and suits brought by persons not residing or doing business in the first, second, third, sixteenth, seventeenth, and nineteenth civil districts against persons residing or doing business in the third and sixteenth civil districts can be brought only before the chancery court of Sullivan County.

The chancery court at Kingsport was created April 14, 1919, when

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53. Acts 1879, ch. 127, sec. 6.

54. Ibid., sec. 5.

55. Acts 1891, ch. 264, sec. 1.

56. Acts 1893, ch. 165, sec. 1.

57. Ibid., secs. 1, 2.

58. Ibid.

the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts were made a chancery district of the first chancery division.(59) Under the 1919 act, the chancellor of the first chancery division holds a special court at Kingsport.(60) For this court, the chancellor appoints a clerk and master who keeps his office at Kingsport.(61) Equity suits against residents of the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts may be brought before the chancery court at Kingsport, but no person residing outside these districts may be moved against in this court except when the subject of the suit is located in this prescribed area.(62)

Thus there are then three chancery courts in the county: the chancery court of Sullivan County, at Blountville, dating from 1852; the chancery court at Bristol, dating from 1879; and the chancery court at Kingsport, dating from 1919. In addition, the chancellor of the first division may have held a court at Bristol for a short time under the act of 1865.

The law court at Bristol stems from the same act of 1879 which created the Bristol chancery court.(63)

By the act of 1879, the judge of the first judicial circuit is judge of the law court of Bristol,(64) and the circuit court clerk of Sullivan County is clerk of the Bristol law court, and either he or a deputy was to keep an office at Bristol open constantly.(65) The jury lists for this court were originally made by the justices of the peace of the seventeenth civil district from among residents of the first, second, seventeenth, and nineteenth civil districts,(66) but since 1905 have been made by the jury commission created in that year.(67) Under the 1879 act, the court had exclusive common law and statutory jurisdiction, both original and appellate, over cases of a civil nature arising in the seventeenth civil district.(68) Originally this court had concurrent jurisdiction with the circuit court of Sullivan County over civil actions brought by residents of the first, second, and nineteenth districts of the county against other persons residing in the first, second, seventeenth, and nineteenth civil districts and over actions brought by residents against non-residents when the subject of the suit was located in these districts.(69) Except in civil cases of a "local nature," in which the Sullivan County circuit court had exclusive

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59. Pr.A. 1919, ch. 737.

60. Ibid., sec. 1.

61. Ibid., sec. 2.

62. Ibid., secs. 10-11.

63. Acts 1879, ch. 127, sec. 10.

64. Ibid.

65. Ibid., sec. 15. In practice the Bristol law court is served by a deputy of the circuit court clerk.

66. Ibid., sec. 16.

67. Acts 1905, ch. 341.

68. Acts 1879, ch. 127, sec. 10.

69. Ibid., sec. 12.



jurisdiction, defendants residing outside the first, second, seventeenth, and nineteenth civil districts could waive their rights to trial before the court at Blountville and permit their cases to be tried before the court at Bristol.(70) The circuit court of Sullivan County, held at Blountville, retained exclusive jurisdiction over criminal cases.

In 1891 the law court of Bristol was given concurrent jurisdiction, both original and appellate, with the circuit court of Sullivan County over civil actions brought by persons residing or doing business in the third and sixteenth civil districts against other persons residing or doing business there and against persons not residing or doing business there when the subject of the suit was located in these civil districts. (71)

In 1893 the jurisdiction of the law court was extended and clarified.(72) Under the 1893 act, the Bristol law court apparently has exclusive jurisdiction over civil actions arising in the first, second, seventeenth, and nineteenth civil districts and concurrent jurisdiction with the circuit court of Sullivan County over cases arising in the third and sixteenth civil districts.(73) The circuit court of Sullivan County apparently continues to exercise exclusive jurisdiction over criminal cases.(74) The jury lists for the Bristol court were originally made by the justices of the peace representing the affected civil districts,(75) but since 1905 they have been made by the jury commission.(76)

The act of April 14, 1919, which created the chancery court of Kingsport, also created the Kingsport law court.(77) By this act the judge of the first judicial circuit is the judge of the Kingsport law court (78) and the circuit court clerk of Sullivan County is clerk of the law court. Either the clerk or a deputy must keep an office at Kingsport open constantly.(79) The jury lists for this court are made in the same manner as the jury lists for the Sullivan County circuit court are made, except that the list is made from residents of the area made up of the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts.(80) The Kingsport law court has common law

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70. Acts 1879, ch. 127, sec. 12.

71. Acts 1891, ch. 264, sec. 2.

72. Acts 1893, ch. 165.

73. Ibid., sec. 3.

74. The Sullivan County criminal court was short-lived.(See Pr.A. 1925, ch. 131)

75. Ibid., sec. 5.

76. Acts 1905, ch. 341.

77. Pr.A. 1919, ch. 757, sec. 10.

78. Ibid.

79. Ibid., secs. 15, 16. In practice the Kingsport law court is served by a deputy of the circuit court clerk.

80. Ibid., sec. 17.

jurisdiction, original and appellate, over all cases of a civil nature arising in the tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth civil districts.(81) The circuit court of Sullivan County continues to have jurisdiction over criminal cases arising in the county in spite of an interruption in 1925 and 1926.(82)

An act of February 12, 1925, created a criminal court for the first judicial circuit,(83) which included Sullivan County. To it was assigned "general common law and statutory jurisdiction, original and appellate, over all criminal cases . . . to the same extent as is now, or hereafter may be, conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes."(84) The governor was to appoint a judge for this court to serve until August 1, 1926.(85) The circuit court clerk of Sullivan County was to be clerk exofficio of this court in Sullivan County, and the records were to be kept separately.(86) The court was to be held in Blountville. No provision was made for the election of a judge to succeed the appointee of the governor. Instead, the force of the act was to expire on August 1, 1926.(87)

Except, perhaps, during short periods between November 26, 1867, and November 5, 1869, and between February 12, 1925, and August 1, 1926, and for a short time after December 5, 1865, the Sullivan County circuit court, held at Blountville, where the county jail is located, appears to have exercised exclusive jurisdiction over criminal cases, (88) but the creation of the law courts of Bristol and Kingsport have, of course, divested the circuit court of the county of jurisdiction over a large percentage of civil cases arising in the county.

Thus, to summarize, there are three chancery courts in Sullivan County - at Blountville, Bristol, and Kingsport; and three courts with common law jurisdiction for the county, at the same places, the first the circuit court at Blountville, exercising exclusive criminal jurisdiction in addition to civil jurisdiction in certain areas. The three chancery courts are held by the same chancellor but each has its own clerk and master. The three courts with jurisdiction at law are likewise held by one judge, but the circuit court clerk is clerk exofficio of the Bristol and Kingsport law courts although he is represented at these two courts by deputies. The records of the six courts should date, in each case, from the time of organization of the court.

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81. Pr.A. 1919, ch. 737, sec. 10.

82. See Pr.A. 1925, ch. 131.

83. Ibid.

84. Ibid., sec. 2.

85. Ibid., sec. 6.

86. Ibid., sec. 9.

87. Ibid., sec. 12.

88. Excepting, of course, the criminal jurisdiction of justices of the peace and the old court of pleas and quarter sessions.



Juvenile Court

Municipal juvenile courts, such as that of the City of Kingsport, created in 1919,(89) probably exercise jurisdiction within corporate limits to the exclusion of the juvenile court of the county.

Jury Commission

The Sullivan County jury commission was created in 1905.(90) Under this act, the commission consists of three men, who, up until 1935, were appointed by the governor, and since 1935 have been appointed by the circuit judge.(91) To be eligible for appointment to the jury commission, a person must be twenty-one years of age and must be a citizen of Sullivan County. He must not be a practicing attorney, or a Federal, State, county, or municipal official, and must not have a suit pending in court at the time of his appointment.(92) Not more than two of the members of the commission may be members of the same political party.(93) A jury commissioner's term of office is two years.(94)

Before entering upon the discharge of his duties, each commissioner is required to subscribe to an oath to be impartial and discreet in making selections and to keep these selections secret.(95) This oath must be written into the minutes of the circuit court and the original preserved as part of the record of the commission.(96)

The circuit court clerk, or his deputy, is clerk of the commission, (97) and as such, is under an oath similar to that required of the commissioners.(98)

The commission annually draws up a list of from two hundred to four thousand names for each of the circuit and law courts,(99) i.e., the circuit court at Blountville and the Bristol and Kingsport law courts, and reports each list to the appropriate court.(100) The clerk of the commission, i.e., the circuit court clerk is required to purchase a book or books in which to record the jury lists and to keep the jury books "under lock and key." (101) The jury boxes, from which names are drawn for jury service, must be kept locked and sealed except when opened for

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89. Pr.A. 1919, ch. 558, sec. 2.

90. Acts 1905, ch. 341.

91. Ibid., sec. 1; Pr.A. 1935, ch. 296.

92. Acts 1905, ch. 341, sec. 1.

93. Ibid.

94. Ibid.

95. Ibid., sec. 2.

96. Ibid.

97. Ibid., sec. 3.

98. Ibid.

99. Ibid., secs. 4, 20.

100. Ibid., sec. 4.

101. Ibid.

the purpose of drawing names therefrom.(102) If the court orders additional names drawn or orders a special panel drawn from outsiders, the clerk of the court must keep a list of persons so drawn or summoned who actually serve and forward this list to the clerk of the commission who enters opposite each such name the words, "served on special jury," together with the dates of service.(103)

Within five days prior to ten days before each regular or special term of each court, the commission is required to meet and draw names by lot for the regular panel of grand and petit jurors and the clerk is then required to report the panel to the court.(104) With this report is included a list of the names of those persons whose names were drawn but who, because of death, mental or physical disability, or change of residence, are unable to serve.(105) The names of any commissioners who are absent are to be reported also.(106) The report is delivered to the clerk of the court to which it is made and "by him filed in his office, and the date of such filing endorsed thereon."(107) The clerk of the court is required to keep a list of all persons whose names are drawn from the jury box but who, if qualified to serve, do not serve, and this list must be entered on the minutes.(108) Also, a list of those making up the regular grand and petit jurors must be spread on the minutes.(109) The words "Regular jury" must be entered on the jury list, opposite each such juror's name.(110)

#### Justices of the Peace

An act of April 19, 1933, ordered the justices of the peace "to file within five days before the meeting of the Quarterly County Court a written, itemized, sworn report and statement showing the amount of all fines, forfeitures, and other revenue collected by them for the preceding quarter, said reports to be filed with the judge or chairman of the county court, and the county trustee."(111) This report is required to show the style of each case, the amount of the fine or forfeiture, or other revenue, and the disposition of each case.(112)

#### Tax Assessor

An act passed on April 20, 1927, and repealed on January 19, 1933,

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102. Ibid., sec. 5. It is doubtful that the law intended that the contents of the jury boxes be preserved forever.

103. Ibid., sec. 7.

104. Ibid., sec. 5.

105. Ibid.

106. Ibid.

107. Ibid.

108. Ibid., sec. 6.

109. Ibid.

110. Ibid.

111. Pr.A. 1933, ch. 757, sec. 1.

112. Ibid., sec. 4.



required any person, firm or corporation conveying real estate by deed to notify the tax assessor, through the mails, of the conveyance, stating to whom the conveyance was made.(113) Before the register could record a transfer of real estate, he was to have a notice from the tax assessor showing that he had been notified by the person, firm, or corporation transferring such real estate to another person, firm, or corporation.(114)

#### Trustee

An act passed on March 27, 1933, prohibits the trustee from receiving or collecting taxes at any place, other than the courthouse at Blountville and his offices in Bristol and Kingsport.(115) The offices at Bristol and Kingsport are, of course, kept by deputies.

#### Sinking Fund Commission

If there is now an active sinking fund commission, it is a creation of a special act of 1935.(116) Under this act, the county judge or chairman of the county court, the cashier of the First National Bank of Kingsport, the cashier of the Farmers Bank of Sullivan County at Blountville, and the cashier of the First National Bank of Bristol constitute a commission to have full charge of investing and handling the sinking funds of Sullivan County.(117) All the assets of the various sinking funds and the sinking fund revenues are to be turned over to this commission.(118) The act requires that "all funds accruing to the sinking fund shall be invested in bonds of the United States or the State of Tennessee, of the County of Sullivan, or other states, municipalities, or counties or [of] the State of Tennessee."(119) No sinking funds may be invested in the bonds of any State or subdivision thereof, except Sullivan County, which has defaulted on interest or principal within the preceding twelve months, or in the securities of "persons, firms or private corporations, nor in real estate mortgages."(120) Prior to ten days before the maturity date of any bond issue of Sullivan County the commission is required to turn over to the trustee funds with which to meet payments due.(121)

At each session of the quarterly court, the commission is required to make a report of the condition of the sinking fund, the report to be spread on the minutes of the court.(122)

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113. Pr.A. 1927, ch. 827; Pr.A. 1933, ch. 28.

114. Pr.A. 1927, ch. 827, sec. 2.

115. Pr.A. 1933, ch. 237. This act seems to be the first statutory indication that the trustee maintains offices at Bristol and Kingsport.

116. Pr.A. 1935, ch. 555.

117. Ibid., sec. 1.

118. Ibid., secs. 3-5.

119. Ibid., sec. 4.

120. Ibid.

121. Ibid., sec. 7.

122. Ibid., sec. 8.

Department of Education

An act passed on March 16, 1917, authorized the board of education to provide free text books to children whose parents could not afford to purchase text books.(123)

A special act of 1925 made the superintendent of schools elective by popular vote for a term of two years. Vacancies were to be filled by the quarterly court.(124) This act was repealed in 1929.(125)

An act passed in 1929 authorized the quarterly court to issue bonds in an amount up to \$350,000, to bear interest up to six percent and to mature within fifty years. The proceeds were to be used to build and equip high school buildings. The proceeds were to be disbursed by the quarterly court or its "proper" official, or, upon the authority of the quarterly court, by the board of education or its "proper" official or officials. The quarterly court was to levy an interest and sinking fund tax.(126)

The office of truant officer was abolished in 1933 (127) and re-created in 1937. The truant officer is appointed by the county judge. (128)

Under a special act of 1933, the members of the board of education, one from each of seven school districts, are elected by popular vote.(129) Under the 1933 act, each member received \$30 per year compensation, (130) but this figure was raised to \$100 in 1937.(131) The chairman of the board receives \$125 per year.(132)

An act passed on March 28, 1935, authorized the quarterly court to issue bonds in an amount up to \$400,000 to bear interest at a rate not to exceed four percent and to mature within thirty years.(133) The proceeds of this issue were to be used to fund part of the outstanding debt, evidenced by tax anticipation notes for school purposes, warrants, judgments, and so on.(134) If the bonds were issued, the quarterly court was to levy an interest and sinking fund tax on the taxable property of the county.(135)

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123. Pr.A. 1917, ch. 274.  
124. Pr.A. 1925, ch. 654.  
125. Pr.A. 1929, ch. 103.  
126. Ibid., ch. 388.  
127. Pr.A. 1933, ch. 29.  
128. Pr.A. 1937, ch. 859.  
129. Pr.A. 1933, ch. 418.  
130. Ibid., sec. 6.  
131. Pr.A. 1937, ch. 799.  
132. Ibid.  
133. Pr.A. 1935, ch. 242.  
134. Ibid., sec. 1.  
135. Ibid., sec. 5.



An act passed in 1937 validated the issuance of \$15,000 of tax anticipation notes for the purposes of completing and equipping the Holston Valley High School Auditorium.(136) The notes were to be payable in twelve months and were to bear interest of two and three eights percent .(137)

If an affirmative vote resulted in a general election on the proposition of issuance, the quarterly court was authorized by another act of 1937 to issue school bonds in an amount of \$500,000.(138)

An act of May 18, 1937, validated the action of the quarterly court on issuing school bonds dated May 1, 1937, in the amount of \$300,000, bearing interest at a rate not in excess of five percent and to mature within twenty years.(139) The quarterly court was to levy an interest and sinking fund tax on the taxable property of the county.(140)

An act passed on May 21, 1937, authorized the quarterly court to issue school bonds in an amount not to exceed \$200,000 to bear interest up to six percent and to mature within fifty years.(141) The quarterly court was to provide for the payment of interest and principal.(142) This issue, and the one validated on May 18, 1937, had already been approved by the electorate.(143)

#### Highways

In August 1858, pursuant to an act passed on March 15, 1858, the voters of Sullivan County authorized the quarterly court to levy a tax on property and polls to keep up the public roads of the county.(144) The quarterly court was to appoint a supervisor or supervisors whose duty was to examine the roads and report to the January term of the court on how the roads should be worked so as to keep them in good repair and to estimate cost of keeping them in repair for one year.(145) The supervisor was, further, charged with classifying the public roads.(146) For his services, he was to receive \$1.50 a day for actual days worked.(147) Each person was permitted to work out his road tax at the rate of 75¢ a day.(148)

An act passed on April 14, 1899, authorized the quarterly court to

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136. Pr.A. 1937, ch. 152.  
137. Ibid., sec. 1.  
138. Ibid., ch. 189.  
139. Ibid., ch. 710.  
140. Ibid., sec. 2.  
141. Ibid., ch. 867.  
142. Ibid.  
143. Ibid.  
144. Pr.A. 1857-58, ch. 131; Pr.A. 1859-60, ch. 91.  
145. Pr.A. 1857-58, ch. 131.  
146. Pr.A. 1859-60, ch. 91, sec. 2.  
147. Pr.A. 1857-58, ch. 131, sec. 3.  
148. Ibid., sec. 7.

issue coupon bonds in an amount up to \$100,000 to bear interest at a rate not to exceed five percent and to mature in from ten to thirty years after issuance.(149) If the bonds were issued, the quarterly court was to provide for the payment of interest and principal by levying tolls or taxes on property in the county both within and without incorporations, or both.(150) If the bonds were issued, the quarterly court was further required to appoint a three-member commission, designating the chairman and the secretary.(151) Before he entered upon the discharge of his duties, each commissioner was to give bond of \$10,000 and to subscribe to an oath before the county court clerk.(152) The commission was empowered to employ an engineer and an assistant engineer to make contracts for building and improving roads.(153) Warrants upon the proceeds were to be drawn by the chairman of the quarterly court.(154) The commission was required to keep books of all accounts and expenses and to report at each term of the quarterly court.(155) An act passed on April 10, 1907, made the issuance of these bonds subject to referendum.(156)

An act passed on April 9, 1903, authorized the quarterly court to appoint a three-member commission whose duties were to make a survey of the county roads and to recommend improvements in a report to the quarterly court.(157) If the quarterly court approved the report by a two-thirds majority, a tax not exceeding fifty cents on each one hundred dollars of taxable property and a tax upon privileges were to be levied, and a three-member commission, with authority to employ an engineer and to make contracts for improving the public roads, was to be set up.(158) Warrants upon the proceeds were apparently to be drawn by the commission.(159) The commission was required to keep a complete record of its proceedings.(160) The commission was to report at each session of the quarterly court and, upon the completion of the work, to make a final report to the court.(161)

On March 5, 1909, an act essentially identical with the act passed on April 14, 1899, was enacted. (162) However, the ceiling for the bond issue authorized in 1909 was \$300,000.(163)

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149. Acts 1899, ch. 262.
  150. Ibid., secs. 14, 16.
  151. Ibid., sec. 7.
  152. Ibid., sec. 8.
  153. Ibid., secs. 9, 10.
  154. Ibid., sec. 13.
  155. Ibid., sec. 12.
  156. Acts 1907, ch. 336.
  157. Acts 1903, ch. 452.
  158. Ibid., secs. 4, 5.
  159. Ibid., sec. 9.
  160. Ibid.
  161. Ibid., sec. 6.
  162. Acts 1909, ch. 169.
  163. Ibid., sec. 1.



An act passed on January 25, 1911, conferred upon the contractors building macadamized roads in Sullivan County the right of eminent domain. (164)

An act of July 5, 1911, essentially identical with acts passed on April 14, 1899, and March 5, 1909, was passed. (165) However, the limit to the amount of bonds that could be issued under the authorization was \$200,000. (166) An act of 1913 raised the terms of office of the commissioners appointed under this act of 1911 from one to three years. (167)

Another act of 1913 abolished the office of public road commissioner. (168) Presumably the term "road commissioner" used in this act referred to district road commissioners functioning under the general law of 1901. (169) Under still another special act of 1913 the quarterly court, at its April term in 1913, was to classify the roads of the county and to divide them into sections, each section consisting of three miles of road. (170) For each road section, the quarterly court was to appoint a road overseer. Before entering upon the discharge of his duties, each overseer was to subscribe to an oath, to be filed with the county court clerk. Overseers were to be appointed annually and each appointee was to receive a notice of his appointment, the notice containing the delimitation of his road section and territory of hands. (171) All physically able male residents of the county between the ages of eighteen and forty-five were subject to road duty. (172) Road duty could be commuted by the payment of \$1.00 a day for each day of failure to work. (173) The quarterly court was to levy an ad valorem property tax, outside incorporated areas, not to exceed fifteen cents per hundred dollars. (174) The chairman of the county court was to act as purchasing agent for the public road system and was to have charge of the allocation of the tools and materials among the road overseers. (175) Applications to open, close, or change a road were to be addressed to the chairman. (176) Each overseer was to report to and settle with the chairman not later than December 20th of each year. (177) This act continued in force for the district roads system until 1929. Still

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164. Pr.A. 1911, ch. 1.  
165. Ibid., ch. 620.  
166. Ibid., sec. 1.  
167. Pr.A. 1913, ch. 295.  
168. Ibid., ch. 73.  
169. Acts 1901, ch. 136.  
170. Pr.A. 1913, ch. 73, sec. 3.  
171. Ibid., sec. 4.  
172. Ibid., sec. 5.  
173. Ibid., sec. 6.  
174. Ibid., sec. 8.  
175. Ibid.  
176. Ibid., sec. 9.  
177. Ibid., sec. 8.

another act of 1913 authorized the quarterly court to levy a special ad valorem property tax not to exceed fifteen cents per one hundred dollars for macadam roads.(178)

An act passed on March 10, 1915, validated a resolution of the quarterly court ordering the issuance of \$100,000 in bonds under authority of chapter 169 of Acts of 1909.(179) Though the act of 1909 authorized the quarterly court to issue bonds up to \$300,000, only \$200,000 had been issued as the first action under authority of the act of 1909.(180) The appointment of a three member commission by the quarterly court during its April 1914 term was validated.(181)

On May 13, 1915, a bond issue act identical in its essential parts with bond issue acts of 1899, 1909, and 1911 was passed.(182) The ceiling for the amount of bonds that could be issued under this act was placed at \$100,000.(183)

An act passed on March 3, 1917, made it illegal to operate a vehicle with a gross weight of over five tons upon any of the public highways and bridges of the county.(184) An act passed on March 29, 1921, authorized such vehicles to operate on the public roads of Sullivan County subject to the payment of a privilege tax of a dollar a day or fraction of a day for each vehicle.(185) An act of 1927 prohibited heavy hauling upon roads which because of the weather were not in shape to stand heavy hauling and prohibited parking upon the improved surface of any public road.(186)

An act passed on April 3, 1919, authorized the quarterly court to issue up to \$200,000 of coupon bonds to bear interest at a rate not in excess of five percent and to mature in from ten to thirty years.(187) If these bonds were issued, the quarterly court was to levy an interest and sinking fund tax upon property outside the limits of incorporated towns and cities.(188) The board of public road commissioners, which the quarterly court was authorized to appoint by an act passed on April 10, 1919 (189) was to have general supervision over the expenditure of the proceeds to macadamize certain roads and was to have authority, to employ an engineer, and to make contracts.(190) Contracts were to be

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178. Pr.A. 1913, ch. 322.
  179. Pr.A. 1915, ch. 56.
  180. Tbid.
  181. Tbid., sec. 3.
  182. Pr.A. 1915, ch. 543.
  183. Tbid., sec. 1.
  184. Pr.A. 1917, ch. 115.
  185. Pr.A. 1921, ch. 538.
  186. Pr.A. 1927, ch. 47.
  187. Pr.A. 1919, ch. 409, secs. 1, 2.
  188. Tbid., sec. 15.
  189. Pr.A. 1919, ch. 530.
  190. Tbid., ch. 409, secs. 6, 9.



made with private contractors for the construction of these roads.(191) Each commissioner was to be under oath with the county court clerk.(192) Warrants upon the proceeds were to be drawn by the chairman and secretary of the commission and approved by the chairman of the county court.(193) The secretary of the commission was to keep a register of these warrants.(194) The commission was to keep books of all accounts and to report to the quarterly court at each of its sessions.(195)

An act passed on March 29, 1921, authorized the quarterly court to issue up to \$700,000 of bonds to bear interest at a rate not to exceed five percent and to mature in from ten to forty years.(196) The proceeds were to be spent through the board of public road commissioners provided for in an act of 1919.(197)

An act passed on January 18, 1923, authorized the quarterly court to issue bonds in an amount up to \$200,000 to bear interest at a rate not to exceed five percent and to mature in from ten to forty years.(198) The proceeds were to be used to pay off interest bearing warrants issued for road purposes under chapter 514 of the Private Acts of 1921.(199) The quarterly court was to levy an interest and sinking fund tax on property outside the limits of incorporated towns and cities.(200)

An act passed on February 15, 1923, created a department of highways and vested all powers necessary for the administration of this department in the commissioner of highways.(201) The first commissioner was to be appointed by the quarterly court on the first Monday in April 1923, and was to serve until his successor, to be elected in August 1924, took office.(202) Before entering upon the discharge of his duties, the highway commissioner was to make a bond of \$20,000.(203) The quarterly court was to provide such engineers, clerks, and bookkeepers as needed by the department.(204) The commissioner was given charge of all public highways within the county, both improved and unimproved.(205) However, it does not seem that the commissioner actually had control over the district roads until an act was passed on February 19, 1929, repealing

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191. Pr.A. 1919, ch. 409, sec. 10.
  192. Ibid., sec. 8.
  193. Ibid., sec. 13.
  194. Ibid.
  195. Ibid., sec. 12.
  196. Pr.A. 1921, ch. 536, secs. 1, 2.
  197. Ibid., secs. 7, 8; see Pr.A. 1919, ch. 530.
  198. Pr.A. 1923, ch. 21, sec's. 1, 2.
  199. Ibid., sec. 1.
  200. Ibid., sec. 6.
  201. Pr.A. 1923, ch. 111, sec. 1.
  202. Ibid.
  203. Ibid.
  204. Ibid., sec. 3.
  205. Ibid., sec. 4.

chapter 73 of the Private Acts of 1913 and ordering the road overseers to make their final settlements with the county judge by March 20, 1929. (206) By the act of 1923 the highway commissioner was specifically required to take over the duties of the public road commissioners functioning under an act of 1919. (207) The commissioner was, further, made custodian of all records pertaining to the county highway system that were not properly records of the county court clerk. (208) The commissioner was to report to the quarterly court at each of its sessions. (209)

An Act passed on March 26, 1923, authorized the quarterly court to issue and sell \$25,000 of warrants to bear interest at a rate not in excess of six percent and to mature within five years. (210) The proceeds were to be used to repair pike roads. (211) An act passed on April 11, 1927, authorized the quarterly court to issue up to \$25,000 of warrants to bear interest at a rate not in excess of six percent and to mature within five years, for the purpose of grading, macadamizing, and maintaining public roads on the condition that the property owners contribute fifty percent of the cost of the improvement. (212)

If an affirmative vote resulted in a general election on the proposition of issuance, an act passed on January 23, 1931 authorized the quarterly court to issue and to sell for highway purposes up to \$100,000 of coupon bonds to bear interest at a rate not to exceed five percent and to mature as determined by the quarterly court. (213) The quarterly court was to levy an interest and sinking fund tax on the taxable property of the county. (214) The county court clerk was to keep a record of the number and denomination of each bond issued. (215) This act was repealed in 1935. (216)

An act of June 18, 1931, authorized the county to build sidewalks along the county and State highways and roads outside the incorporated towns. (217) An act passed on May 19, 1937, authorized the quarterly court to issue and sell for highway purposes \$9,000 of tax anticipation notes to bear interest at a rate not to exceed five percent and to mature within one year. (218)

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206. Pr.A. 1929, ch. 201, sec. 1.  
207. Pr.A. 1923, ch. 111, sec. 4.  
208. Ibid.  
209. Ibid., sec. 5.  
210. Ibid., ch. 542, sec. 1.  
211. Ibid., sec. 1.  
212. Pr.A. 1927, ch. 271, sec. 1.  
213. Pr.A. 1931, ch. 67, sec. 1.  
214. Ibid., secs. 1, 4.  
215. Ibid., sec. 4.  
216. Pr.A. 1935, ch. 274.  
217. Pr.A. 1931, ch. 486.  
218. Pr.A. 1937, ch. 857.



