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## Chapter V - Court System

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Chapter V - Court System

## Criminal Court

### Public Acts of 1951 Chapter 73

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** That a Criminal Court is hereby created and established in the Twentieth Judicial Circuit of Tennessee, for the counties of Greene, Hamblen, Hawkins, and Sullivan, to be known as the "Criminal Court of the Twentieth Judicial Circuit of Tennessee."

**SECTION 2.** That the said Criminal Court shall have General, common law, and statutory jurisdiction, original appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now, or may hereafter be, conferred upon the circuit and Criminal Courts of this State under the common law or the statutes and to hear, try, and determine all criminal cases.

**SECTION 3.** That concurrent with the passage of this Act, the Honorable Thomas H. Rogan, of Hawkins County, is hereby appointed Judge of the Criminal Court created hereunder, and shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such Criminal Judges, Circuit Judges and Chancellors in this State, and his salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

**SECTION 4.** That at the general election to be held on the first Thursday in August, 1952, and at all regular elections for Judges held thereafter, there shall be elected by the qualified voters of said counties a Judge for said Criminal Court of the Twentieth Judicial Circuit of Tennessee in the same manner and with the same tenure of office as other Criminal and Circuit Judges of the State.

**SECTION 5.** That the District Attorney General of the Twentieth Judicial Circuit of Tennessee shall perform all the duties of Attorney General in the Criminal Court in all counties herein named.

**SECTION 6.** That the Circuit Clerks and Sheriffs of the several counties herein named shall be the clerks and sheriffs of said Criminal Court in said counties, and they shall perform the same duties and receive only the same compensation now provided by law for them.

**SECTION 7.** That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said counties herein named.

**SECTION 8.** That it shall be lawful for the Judge of the Criminal Court and the Judge of the Twentieth Judicial Circuit to hold each of their courts in any of the different counties, including the same county, or said circuit at the same time.

**SECTION 9.** That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said Criminal Court and shall have the same pay, qualifications, powers and privileges and shall be organized, as now, under existing law as the law provides with reference to grand juries and all other juries of courts, but all bills of indictment, presentments and informations shall be returned to said Criminal Court.

**SECTION 10.** That all criminal cases now existing or pending in the Circuit Courts of said named counties on the passage of this Act shall by virtue of the provisions of this Act automatically be transferred to this said Criminal Court herein established in said counties respectively, and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act transfer all criminal proceedings and papers from the Circuit Court for said county to the Criminal Court and shall procure and keep the proper books, records and minutes for said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace, or other inferior courts, in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

**SECTION 11.** That all appeals, writs or error and appeals in the nature of writs of error shall be prosecuted from the judgments of said Criminal Court to the Supreme Court and as from other Criminal

Courts of this State:

**SECTION 12.** That the time and place for holding the said Criminal Court in the said counties shall be as follows:

For Greene County, at Greeneville, the first Mondays in January, May, and September.

For Hamblen County, at Morristown, the first Mondays in February, June, and October.

For Hawkins County, at Rogersville, the first Mondays in February, June, and October.

For Sullivan County, at Blountville, the first Mondays in March, July, and November.

As amended by: Public Acts of 1969, Chapter 276  
Private Acts of 1977, Chapter 51

**COMPILER'S NOTE:** T.C.A. 16-2-510 abolishes terms of court.

**SECTION 13.** That all laws and parts of laws now existing in conflict with this Act and its full intentions, be and the same are hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1951.

## General Sessions Court

### Private Acts of 1947 Chapter 235

**SECTION 1.** That there is hereby created and established in and for Hamblen County, Tennessee, a Court, which shall be designated "Court of General Sessions of Hamblen County, Tennessee."

Court rooms and adequate facilities for said Court shall be provided in the Courthouse at Morristown, and it shall be the duty of the Chairman of the County Court of said County to make provision therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court, and the expenses of same shall be paid out of the General Fund of the County.

**SECTION 2.** That the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be co-extensive with Hamblen County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace in their jurisdiction until the election and qualification of a Judge for said Court as hereinafter provided. The authority of the Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony, to hear and determine cases for damages where the amount involved does not exceed Fifty (\$50.00) Dollars, and to issue criminal and civil warrants returnable before the General Sessions Judge and to issue commitments to jail before trial in any criminal case, or grant bail to a person charged with a criminal offense for his or her appearance before the General Sessions Court, is in no wise affected by this Act, provided, that the Judge of the Court of General Sessions shall have additional authority to hear and determine Civil suits wherein the matter in controversy does not exceed One Thousand (\$1,000.00) Dollars, exclusive of costs.

As amended by: Private Acts of 1949, Chapter 621  
Private Acts of 1951, Chapter 374

**SECTION 3.** That the Judge of the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with all the jurisdiction, power, and authority of the Chairman of the County Court of Hamblen County, Tennessee; to hear and determine any matter or controversy now within the jurisdiction of the Quorum Court, or expressly conferred upon the County Chairman by statute, and the said Chairman of said Court is hereby divested of all such jurisdiction, power and authority; provided nothing in this Act shall be construed to divest said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly County Court of said County.

There is hereby conferred upon said court jurisdiction to remove the disability of minority to the same extent that such jurisdiction is now vested in the Chancery Court. The pleading and practice in such proceedings shall be the same as in the Chancery Court and the Clerk and Master shall serve as the Clerk of the Court in such matters and shall receive the same costs, fees, and emoluments as are now by law to the Clerk and Master for such services.

As amended by: Private Acts of 1949, Chapter 621  
Private Acts of 1963, Chapter 18

**SECTION 4.** That there is hereby conferred upon the Judge of the Court of General Sessions power and authority to grant fiats for the issuance of injunctions, attachments, and other extraordinary process as that conferred upon Judges and Chancellors in this State.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 5.** That before the issuance of any warrant in a civil case the plaintiff shall execute a cost bond with good security in the sum of Twenty-Five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Two Dollars and Fifty (\$2.50) Cents, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

**SECTION 6.** That said Court shall be in session at the courthouse in Morristown daily, except legal holidays, from 9 o'clock A.M. to 4 o'clock P.M., provided, however, the Judge shall have power and authority to hear and determine cases at any other place in Hamblen County as he may determine to be more feasible and convenient for the parties.

All cases shall be set for an hour certain, and the practice heretofore prevailing of allowing an hour for the parties to appear in Courts of the Justice of the Peace shall not apply to the Court of General Sessions.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 7.** That the costs and fees and the rules of pleading and practice, forms of writs and process, stay of appeals from judgments in civil cases of said Court shall be the same as Justices of the Peace, except where specifically changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act; and the costs and fees, rules of pleading and practice forms of writs and process, and dockets and records in all matters in which the Chairman of the County Court of said County has been divested of authority and jurisdiction, shall be the same as now required by law, except where specifically changed by this Act.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 8.** That the criminal and civil dockets shall be kept in substantially the same form as those now required of Justices of the Peace.

**SECTION 9.** That there shall be a Judge for said Court with the same qualifications, term of office, and oath as prescribed by law for Circuit Judges and Chancellors. That the compensation of said Judge shall be Fifteen Thousand Dollars (\$15,000.00) per annum, payable in equal monthly installments, the same being paid out of the General Funds of the County.

Beginning September 1, 1975, the compensation of the Judge of said Court shall be the base salary fixed in this Act adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1974 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1975 and on September 1 every year thereafter for the ensuing year commencing September 1.

As amended by: Private Acts of 1949, Chapter 621

Private Acts of 1951, Chapter 374

Private Acts of 1974, Chapter 273

**SECTION 10.** That the first Judge shall be elected by the qualified voters of the County at the election for other County officers in August, 1948, and shall take office September 1, 1948, and who shall serve until his successor is elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers in August, 1950, and hold said office for a term of eight years as provided by law for Circuit Judges and Chancellors.

**SECTION 11.** That if the Judge of said Court fails to attend, cannot attend, or preside in a pending cause, the majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold Court for the occasion.

The regular Judge of said Court shall be allowed a vacation of not to exceed two (2) weeks in any calendar year.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 12.** That the Clerk of the Circuit Court of Hamblen County, Tennessee, is hereby authorized and directed to act as Clerk of said Court and to perform the duties thereof in all civil and criminal cases, and who shall have the concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer. All bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court shall be taken by the Clerk. Said Clerk's compensation shall be Twelve Hundred (\$1200.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 13.** That the Clerk of the County Court of Hamblen County shall serve as Clerk of said General

Sessions Court in all matters in which the jurisdiction of the Chairman of the County Court has been vested in the Judge of the Court of General Sessions, who shall receive the same costs, fees, and emoluments as are now allowed by law for such services.

As amended by: Private Acts of 1949, Chapter 621

**SECTION 14.** That all fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court, when proceeding with civil and criminal cases, shall be paid monthly to the County Trustee of Hamblen County, and shall be deposited by said Trustee in the General Fund of the County. All fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, and accounted for and paid over as required by law.

**SECTION 15.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

**SECTION 16.** That the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Hamblen County, where such appeal shall be tried by a Judge in such Court without a jury, and without indictment or presentment.

**SECTION 17.** That it shall be the mandatory duty of the Judge of said Court when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment of indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by a jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case.

Said waiver shall be in writing, signed by the defendant, written on or attached to the warrant, and in the form and of contents substantially as follows:

The defendant, \_\_\_\_\_ pleads \_\_\_\_\_ guilty of the offense of \_\_\_\_\_ and expressly waives his or her right to be tried only by or upon presentment or indictment preferred by a Grand Jury, and likewise expressly waives the right to and trial by a jury of his or her peers.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Clerk

**SECTION 18.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Hamblen County, as if said cases had originated in said Court of General Sessions, and said Court shall have power and authority to issue executions and other final process on judgments rendered by Justices of the Peace.

**SECTION 19.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Hamblen County to any unpaid fees, or fund in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

That the official dockets, records and papers in possession of Justices of the Peace of said County shall be turned over to Hamblen County on the date this Act becomes effective.

**SECTION 20.** [Repealed by Private Acts of 2013, Chapter 14]

As amended by: Private Acts of 2001, Chapter 21  
Private Acts of 2013, Chapter 14

**SECTION 21.** That the Legislature expressly declares that each section, subsection, paragraph and provisions of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 22.** That all laws or parts of laws in conflict with the provisions of this Act be, and there they are hereby, repealed as of the date this Act becomes effective.

**SECTION 23.** That the enactment of this Act shall not effect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Hamblen County as now existing and as to them and their powers and duties this Act shall take effect September 1st, 1948, but for all other purposes from and after its passage, the public welfare requiring it.

Passed: February 12, 1947.

## Division II

### Private Acts of 2013 Chapter 14

**COMPLIER'S NOTE:** This Act becomes effective September 1, 2014.

**SECTION 1.** Effective September 1, 2014, Chapter 337 of the Private Acts of 1972, and all other acts amendatory thereto, is hereby repealed. Effective September 1, 2014, Chapter 21 of the Private Acts of 2001, and all other acts amendatory thereto, is hereby repealed. It is the intent of the General Assembly to abolish the part-time general sessions court of Hamblen County, to abolish the juvenile court of Hamblen County, and to create a second full-time general sessions court of Hamblen County with juvenile jurisdiction.

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

(1) "Division I court" means the full-time general sessions court of Hamblen County created by Chapter 235 of the Private Acts of 1947, as amended by Chapter 621 of the Private Acts of 1949, Chapter 374 of the Private Acts of 1951, Chapter 18 of the Private Acts of 1963, Chapter 337 of the Private Acts of 1972, Chapter 273 of the Private Acts of 1974, Chapter 161 of the Private Acts of 1990, Chapter 21 of the Private Acts of 2001, and Chapter 73 of the Private Acts of 2004; and any other acts amendatory thereto; and

(2) "Division II court" means the full-time general sessions court of Hamblen County created by this act.

**SECTION 3.** In addition to the Division I court and the judge authorized by Chapter 235 of the Private Acts of 1947, and any other acts amendatory thereto, to serve the Division I court, there is created, in Hamblen County, a second full-time general sessions court to be known and designated as the Division II court.

**SECTION 4.** There is conferred upon the Division II court created by this act the jurisdiction, power, and authority concurrent with the Division I court over all cases. Nothing in this act shall restrict the ability of the general sessions judges of both courts to participate in interchange with each other should cause exist making an interchange necessary or for mutual convenience under the provisions of Tennessee Code Annotated§ 17-2-208.

**SECTION 5.** There is created the office of judge of the Division II court of Hamblen County. The Division II court created by this act shall be a court of record and shall be presided over by a full time judge who shall have the qualifications and salary provided by this act.

**SECTION 6.** At the regular August general election in 2014, the qualified voters of Hamblen County shall elect both general sessions judges of the Division I and Division II courts to serve full eight (8) year terms that begin September 1, 2014, and until the first day of September, 2022, and until the judges' successors are elected and qualified. At the regular August general election of 2022, and thereafter, every eight (8) years, the judges shall be elected by the qualified voters of Hamblen County. Persons elected to serve as the Division I and Division II court judges shall be attorneys, duly licensed to practice law in the courts of this state, and shall possess all qualifications of judges of inferior courts, as required by law.

**SECTION 7.** Effective September 1, 2014, the offices of the juvenile court of Hamblen County and the part-time general sessions court of Hamblen County are abolished. It is the intent of the general assembly to transfer all authority, power, and jurisdiction previously held by the juvenile court in Hamblen County to the Division II court created by this act. Nothing in this act shall be construed as reducing the term of office of the current juvenile court judge or the current part-time general sessions judge of Hamblen County. Such persons shall continue to serve in that capacity and retain all powers and responsibilities of

the offices until the expiration of the current term on August 31, 2014, or until such judges vacate office, whichever occurs first. In the case of a vacancy in the offices of juvenile court judge or part-time general sessions court judge of Hamblen County prior to August 31, 2014, the Division I court judge of Hamblen County shall be appointed to serve as the judge of the court or courts until the expiration of the term.

**SECTION 8.** Effective September 1, 2014, there is hereby conferred upon the Division II court created by this act and clerk of such court the jurisdiction, power, duties, and authority over all juvenile matters vested in the juvenile courts and clerks of the state by Tennessee Code Annotated, Title 37 or any other general law. Chapter 235 of the Private Acts of 1947, and all acts amendatory thereto, are amended to provide that the Division I court is vested with juvenile court jurisdiction concurrent with the Division II court to hear and determine juvenile matters; provided, that the Division II court shall have primary jurisdiction, powers, and authority over all civil and juvenile matters. The Division I court shall have primary jurisdiction, powers, and authority over all criminal matters and orders of protection. The two general sessions judges shall decide which division is assigned Drug Recovery Court.

**SECTION 9.** All unfinished and pending matters in the juvenile court of Hamblen County prior to the date this act takes effect, shall be transferred to the Division II court created by this act at the close of business on the day preceding the day this act becomes effective. On such date, all official books, records, and other documents pertaining to any matter within the jurisdiction of the juvenile court of Hamblen County shall be delivered to the Division II court. Nothing in this act shall be construed as invalidating or altering any judgment, order, decree, or other determination of the juvenile court that was adjudicated by the juvenile court pursuant to the authority of Chapter 337 of the Private Acts of 1972, or any other acts amendatory thereto, and all such judgments, orders, decrees, and other determinations shall remain valid and binding.

**SECTION 10.** Effective September 1, 2014, the clerk of the Division I court shall also serve as clerk of the Division II court created by this act and any of such clerk's deputies shall also be deputies for the Division II court created by this act, but the clerk shall keep separate books, give separate bonds, and in all respects keep the business of the Division II court separate from the business of the Division I court.

**SECTION 11.** This act shall have no effect, unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamblen County prior to July 1, 2014. Its approval or nonapproval shall be proclaimed by the presiding officer of the Hamblen County legislative body and certified by the presiding officer to the secretary of state.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: April 11, 2013.

## Divorce Jurisdiction

### Private Acts of 1951 Chapter 374

**SECTION 1. COMPILER'S NOTE:** This section was amendatory to Section 2 of the General Sessions Court act, which is included in this compilation.

**SECTION 2. COMPILER'S NOTE:** [Deleted by Private Acts of 2004, Chapter 73]

**SECTION 3. COMPILER'S NOTE:** This section amended Section 9 of the original General Sessions Court Act, which is included in this compilation.

**SECTION 4.** That the Clerk and Master of the Chancery Court of Hamblen County shall serve as the Clerk of the Sessions court in all matters to be heard and determined under Section 2 hereof, said Clerk to have all the power by law conferred upon Clerks of the Circuit Courts and Clerk and Master of the Chancery Court insofar as the same pertains to said matters, and shall receive the same costs, fees and emoluments as are now allowed by law to Clerks of the Circuit Court and Clerk and Master of the Chancery Court for such service. Upon the transfer of jurisdiction from the General Sessions Court to the Chancery Court, all records pertaining to domestic relations cases held or maintained in the General Sessions Court under the authority of Chapter 374 of the Private Acts of 1951 shall remain in the custody of the Clerk and Master of the Chancery Court of Hamblen County.

As amended by: Private Acts of 2004, Chapter 73

**SECTION 5.** That the Legislature expressly declares that each section, sub-section, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional



or invalid portions elided therefrom.

**SECTION 6.** That all laws or parts of laws in conflict with the provisions of this Act be, and they are hereby repealed as of the date this Act becomes effective.

**SECTION 7.** That this Act go into effect from and after the date of its passage, the public welfare requiring it.

Passed: March 6, 1951.

## Juvenile Court

### Private Acts of 1972 Chapter 337

**COMPLIER'S NOTE:** Effective September 1, 2014, Chapter 337 of Private Acts of 1972, and all other acts amendatory thereto, are repealed by Private Acts of 2013, Chapter 14.

**SECTION 1.** There is hereby created for the county of Hamblen a court to be known and designated as the Juvenile Court of Hamblen County.

**SECTION 2.** There is hereby created the office of judge of the Juvenile Court of Hamblen County.

**SECTION 3.** The Juvenile Court of Hamblen County shall have the same jurisdiction as provided by general law.

**SECTION 4.** The qualifications of the judge of the Juvenile Court shall be as follows: He shall be an attorney, duly licensed to practice law in the courts of the state, not less than twenty-one (21) years of age. The Quarterly County Court of Hamblen county shall establish the compensation of the judge of the Juvenile Court of Hamblen County on or before September 1, 1974 in an amount which the Quarterly County Court in its discretion establishes as commensurate with the duties and responsibilities of the judge of the Juvenile Court of Hamblen County which is not less than four thousand eight hundred dollars (\$4800) nor more than seven thousand five hundred dollars (\$7500) per annum to be paid by the County from the general fund in twelve (12) equal monthly installments. In addition, beginning September 1, 1975, the compensation of the Judge of said Court shall be the base salary fixed in this Act adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1974 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1975 and on September 1 every year thereafter for the ensuing year commencing September 1.

As amended by: Private Acts of 1974, Chapter 272

**SECTION 5.** The judge of the Juvenile Court of Hamblen County shall be elected by the qualified voters of the county at the regular August general election in 1972, and shall hold such office from the 1st day of September, 1972, until the first day of September, 1974, and until his successor is elected and qualified. At the August general election of that year, and thereafter, every eight (8) years, the judge shall be elected by the qualified voters of the county.

**SECTION 6.** There shall be provided in the court house of Hamblen County court room and office space for the proper conduct and administration of the Juvenile Court of Hamblen County.

**SECTION 7.** The Clerk of the Circuit and General Sessions Court shall also be the Clerk of the Juvenile Court, but the Clerk shall keep separate books, give separate bonds, and in all respects keep the business of the Juvenile Court separate from the business of the Circuit Court and General Sessions Court of Hamblen County.

As amended by: Private Acts of 2012, Chapter 48

**SECTION 8.** Chapter 235 of the Private Acts of 1947, and all acts amendatory thereto, are hereby amended to provide that the Court of General Sessions of Hamblen County is hereby divested of all juvenile court jurisdiction.

**SECTION 9.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County on or before July 1, 1972. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the secretary of state.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 9.

Passed: March 28, 1972.

# Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Hamblen County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 165, made applicable to Hamblen County the general statutes governing Boards of Jury Commissioners.
2. Private Acts of 1927, Chapter 36, established a Board of Jury Commissioners for Hamblen County.
3. Private Acts of 1927, Chapter 160, exempted Hamblen County from the general law which authorized Criminal Court Judges and Circuit Judges with criminal jurisdiction to appoint the foreman of the grand jury. This act was repealed by Private Acts of 1937, Chapter 538.
4. Private Acts of 1947, Chapter 199, amended Private Acts of 1927, Chapter 36, by increasing the number of names of prospective jurors placed in the jury box.
5. Private Acts of 1947, Chapter 201, set the salary of Hamblen County jurors at \$3 per day.
6. Private Acts of 1949, Chapter 312, set the per diem salary of jurors at \$5 except the foreman of the Grand Jury who was to receive \$10.
7. Private Acts of 1951, Chapter 207, raised the per diem salary of the Jury Commissioners to \$5

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hamblen County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1869-70, Chapter 32, placed Hamblen in the First Chancery Division.
2. Acts of 1869-70, Chapter 47, provided that Chancery Court in Hamblen County would meet on the second Mondays in May and November of each year. This Act was repealed by Acts of 1871, Chapter 101, which also provided that the terms of Chancery Court in Hamblen County would begin on the third Mondays in January and July.
3. Acts of 1871, Chapter 67, set the terms of Chancery Court on the second Mondays in January and July.
4. Acts of 1885 (Ex. Sess.), Chapter 20, placed Hamblen County in the First Chancery Division and provided that the terms of Chancery Court would begin on the third Mondays in January and July.
5. Acts of 1891, Chapter 165, provided that Chancery Court would meet on the third Mondays in February and August.
6. Acts of 1893, Chapter 100, established the Twelfth Chancery Division, consisting of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock Counties. The terms of Chancery Circuit in Hamblen County were set on the second Mondays in February and August.
7. Acts of 1899, Chapter 427, placed Hamblen County in the First Chancery Division and provided that the terms would begin on the fourth Mondays in May and November. This was amended by Acts of 1901, Chapter 438, to change the meeting days to the fourth Mondays in February and August.
8. Public Acts of 1919, Chapter 100, established the Thirteenth Chancery Division. This act was amended by Public Acts of 1920 (Ex. Sess.), Chapter 5, and Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.
9. Public Acts of 1963, Chapter 371, established the Fifteenth Chancery Division. This act was amended by Public Acts of 1967, Chapter 27.

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

Referenced below is an act which once applied to the clerk and master in Hamblen County.

1. Private Acts of 1937, Chapter 457, set the salary of the Clerk and Master of the Chancery Court in Hamblen County at \$900 per year. This Act also required the Clerk and Master to file an annual fee report of all the fees collected by that office.

## **Circuit Court**

The following acts were once applicable to the circuit court of Hamblen County but now have no effect,

having been repealed, superseded, or having failed to win local approval.

1. Acts of 1869-70, Chapter 31, placed Hamblen County, if established, in the Second Judicial Circuit.
2. Acts of 1869-70, Chapter 46, provided that the terms of Circuit Court in Hamblen County would begin on the third Mondays in April, August, and December.
3. Acts of 1879, Chapter 140, set the time for holding Circuit Court on the first Mondays in April, August and December.
4. Acts of 1885 (Ex.Sess.), Chapter 20, placed Hamblen County in the Second Judicial Circuit and provided that the terms of Circuit Court were to begin on the first Mondays in April, August and December. This was amended by Acts of 1889, Chapter 117, to change the time for holding Circuit Court terms to the fourth Mondays in April, August, and December.
5. Acts of 1899, Chapter 427, placed Hamblen County in the Second Judicial Circuit and set the terms of Circuit Court on the Second Monday in February, June, and October. This was amended by Acts of 1903, Chapter 277, to change the terms of Circuit Court to the first Mondays in January, May and September.
6. Acts of 1905, Chapter 477, set the terms of Circuit Court on the first Mondays in January, May and September.
7. Acts of 1907, Chapter 205, set the terms of Circuit Court on the first Mondays in January, May and September, but it was amended by Private Acts of 1919, Chapter 513, to set the time for holding Circuit Court on the first Mondays in March, July and November.
8. Private Acts of 1915, Chapter 552, set the salary of the Circuit Court Clerk in Hamblen County at \$700 per year, to be paid from the fees of that office. The minimum and maximum salary of the Circuit Court Clerk is now set by T.C.A. 8-24-102 and 8-24-104.
9. Private Acts of 1923, Chapter 15, set the terms of the Circuit Court on the first Mondays in February, June and October. This act was amended by Public Acts of 1925, Chapters 35 and 96 and, later, by Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.
10. Public Acts of 1972, Chapter 515, created a new judicial circuit for Greene, Hawkins and Hamblen Counties, and provided for a judge and specified terms. T.C.A. 16-2-506 now provides that Greene, Hawkins, Hancock and Hamblen Counties shall comprise the Third Judicial District. T.C.A. 16-2-510 abolishes terms.

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

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

1. Public Acts of 1925, Chapter 96, provided for the election of attorney general for the twentieth judicial circuit.
2. Public Acts of 1939, Chapter 65, created the office of criminal investigator for the 2nd judicial circuit.
3. Public Acts of 1967, Chapter 48, created the office of assistant district attorney general for the counties of Greene, Hamblen and Hawkins in the twentieth judicial circuit.
4. Public Acts of 1969, Chapter 277, created an additional assistant district attorney general for the twentieth judicial circuit.
5. Public Acts of 1974, Chapter 567, created the office of secretary-file clerk to the office of District Attorney General for the twentieth judicial circuit.
6. Public Acts of 1974, Chapter 685, created one additional position of criminal investigator for the twentieth judicial circuit.

#### **General Sessions Court**

The following acts once affected the general sessions court of Hamblen County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1963, Chapter 256, was amendatory to Private Acts of 1947, Chapter 235, providing for secretarial assistance to the General Sessions Judge at a salary of \$300. This Act was rejected on the local level and never became an effective law.
2. Private Acts of 1965, Chapter 216, attempted to amend the General Sessions Court Act, by raising the judge's salary to \$10,000 per year, but it was rejected by the Quarterly County Court and never took effect.

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