



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter V - Court System

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

Sincerely,

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Chapter V - Court System

General Sessions Court

Private Acts of 1959 Chapter 57

COMPILER'S NOTE: This act must be read in conjunction with Private Acts of 1981, Chapter 86.

SECTION 1. That by this Act a Court of General Sessions is created and established in and for Loudon County, Tennessee, which Court is vested with the legal powers, authority, prerogatives and jurisdiction hereinafter recited, delineated and provided. This Loudon County Court of General Sessions shall be held in the Courtroom of the Loudon County Justice Center. By consent of litigants, counsel and the Court, civil causes may be heard elsewhere in said county on any day except Sundays.

All trials and proceedings of said Court, wherever held, shall be open to the public except hearings falling within the purview of Section 12, Chapter No. 177 and Section 6 of Chapter No. 186 of the Public Acts of 1955, applicable to certain Juvenile Court cases.

The dockets, forms and minute books required for a systematic recordation of said Court's actions, orders, proceedings and judgments in all cases, civil, criminal and juvenile, shall be provided by the county, pursuant to requirements of Sections 1 and 2 of Chapter No. 138 of the Private Acts of 1951 and public laws applicable to purchases by counties.

As amended by: Private Acts of 1975, Chapter 35.

SECTION 2. That from and after the effective date of this Act as hereinafter provided, said Sessions Court shall be vested with all the jurisdiction, powers and authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits, and actions, and, as hereinafter provided, with jurisdiction, power and authority to hear and determine, all misdemeanor charges and cases subject to the constitutional limitations provided by law; that from and after said effective date the Justices of the Peace of Loudon County shall be divested of all judicial powers, authority and jurisdiction.

It is provided, however, that this Act shall in nowise abridge, abrogate or affect the responsibilities, duties and authority of Justices of the Peace in and for said county except as herein specified. Said magistrates' authority in performance of the rites of matrimony and as members of the Quarterly County Court is in nowise impaired or affected by this enactment. Said Court of General Sessions shall have jurisdiction concurrent with the Circuit and Chancery Courts to try and dispose of divorce cases and annulments, and said Court shall try to dispose of divorce cases and annulments in the same manner and with the same authority as is vested in the Circuit and Chancery Courts.

As amended by: Private Acts of 1963, Chapter 284.

SECTION 3. That from and after the effective date of this Act, said Sessions Court, and the Judge thereof, shall be vested with all the jurisdiction, powers and authority conferred by the General Assembly of Tennessee upon the County Judge of Loudon County in juvenile cases, causes and matters; that from and after said effective date the County Judge of said county shall be divested of all powers, authority and jurisdiction vested in said judicial officer as Juvenile Judge.

It is provided, however, that this Act shall in nowise impair or affect the powers, duties and jurisdiction of the County Judge in and for Loudon County except as herein specified. In fiscal matters, insanity inquests, idiocy and mental deficiency hearing, habeas corpus proceedings, issuance of extraordinary process and writs, and in the performance of all statutory duties and responsibilities except those relating to the determination of juvenile cases and the administration of the juvenile laws, the power, authority and jurisdiction of the County Judge is not affected by this Act.

As amended by: Private Acts of 1981, Chapter 86

SECTION 4. That before the commencement of any civil action in said Sessions Court, the plaintiff shall be required to secure the costs incident to the action by executing a cost bond with solvent surety in the penalty of not less than Twenty-Five Dollars (\$25.00), or by making a cash deposit of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00), the exact sum thereof to be determined by the Judge or Clerk of said Court, or by taking the oath prescribed by law for poor persons. However, a plaintiff's good faith in taking said oath, and his right to proceed thereunder, may be questioned by the Judge or Clerk of said Court, by a defendant in the cause, or his counsel. After such inquiry, in which the burden of proof is upon the plaintiff, the Sessions Judge may require a cost bond or cash deposit as a condition precedent to the commencement of the action. On motion of a defendant or Court order, a plaintiff may be required to execute further bond or to increase the amount fixed in the bond executed, or to make an additional deposit.

SECTION 5. That the Judge of the Court created by this Act shall have the same power and authority to issue extraordinary process and writs as that conferred by law upon Circuit Judges and Chancellors. Whenever such process is applicable to parties to actions in said Court, the bond or oath required for its issuance shall be executed and filed as required by general laws applicable to extraordinary process in Justice of the Peace Courts.

SECTION 6. That the Judge of said Sessions Court is hereby empowered to adopt all rules of Court required to expedite the trial and disposition of cases, suits and proceedings, and to designate the days and hours of the Court's sessions, provided that civil causes shall not be triable on Sundays. On any day and at any time the Sessions Judge may issue warrants, examine and hear persons accused of criminal acts, discharge from custody or commit to jail, and fix and take bail, recognizance and appearance bonds.

SECTION 7. That the laws regulating pleading and practice, stay of judgments, appeals from judgments, writs and process in civil cases in the Courts of Justices of the Peace shall apply to the Court created by this Act in its determination of all civil matters triable in the Justices' Courts at the effective date of this Act; that all laws applicable to Justice of the Peace trials, civil and criminal, unless otherwise provided, shall apply to the Sessions Court in the dispatch of all cases except causes instituted under the juvenile laws.

SECTION 8. That the laws regulating pleading and practice, procedure, evidence, hearings, trials, commitments, appeals and records in the Juvenile Courts of County Judges shall apply to all juvenile proceedings, hearings and cases in the Court created by this Act; that all laws applicable to juvenile matters shall apply to the administration of juvenile justice in said Sessions Court.

SECTION 9. That in all cases and causes triable in Justices of the Peace Courts at the effective date of this Act, the costs and fees of the Court created by this Act shall be the same as is now, or may hereafter be, provided by law for said Justices' Courts; that in all misdemeanor cases in which a final judgment can now be rendered only in Criminal Court of Loudon County, the costs and fees of the Sessions Court shall be the same as is now, or may hereafter be, provided by laws for said Criminal Court; that in juvenile cases and matters the fees and costs of said Court shall be the same as is now, or may hereafter be, provided by law for Juvenile Courts, and said Fees and costs shall include all sums now or subsequently recoverable by the County of Loudon under the general law applicable to juvenile causes and matters in the County Courts of Tennessee.

It is provided further that all costs, fees, fines and forfeitures adjudged by said Sessions Court shall be recorded and accounted for as other county funds are deposited and paid over under law. Quarterly, the Clerk of said Court shall pay over to the County Trustee all fees, costs, fines, forfeitures, commissions and emoluments accruing to said Court, for deposit to the credit of the county's general fund.

The fees of lawful officers of the county for execution of writs and process of said Court, and the fees of witnesses for their compulsory attendance therein, shall be the same as is now, or may hereafter be, provided by law for such services and acts.

SECTION 10. That in addition to the jurisdiction conferred by law upon Justices of the Peace, and upon County Courts, in juvenile matters and cases, the Court created by this Act is hereby vested with power and authority to hear and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged enters a plea of guilty or requests a trial upon the merits, and in writing expressly waives an indictment, presentment, grand jury investigation, and trial by jury. When such plea is entered or request made and waiver signed, the trial shall proceed before the Court without the intervention of a jury to final judgment.

The final judgment of said Court in all misdemeanors tried as herein provided may be appealed to the next term of the Criminal Court of Loudon County provided the person charged and found guilty executes a bond with solvent surety conditioned to pay the fine assessed and the costs including the costs of appeal upon affirmation of the judgment and a legally sufficient bail or appearance bond with two or more solvent sureties, or takes and subscribes to the oath prescribed for poor persons. A defendant's good faith in taking such oath may be inquired into as provided hereinbefore.

The criminal judgments of said Court, except in juvenile cases, shall become final at the time of their rendition. Such judgments, unless appealed instanter, shall not be altered or modified except for error. However, a defendant shall have two full days, exclusive of Sundays, in which to perfect his appeal by execution of the required costs and appearance bonds, provided an appeal from the Court's final judgment was taken at the time of its rendition. An appeal, regularly before the Criminal Court of Loudon County, Tennessee, shall be heard by the Judge thereof without a jury, and without indictment or presentment, upon the warrant or information under which the defendant was found guilty in the Sessions Court.

As provided herein, appeals of juvenile cases shall be taken and perfected as required by general law applicable to appeals from final judgments of County Judges in their capacity as Juvenile Judges.

The Judge of said Sessions Court is specifically empowered to issue all process and writs necessary to effectuate the execution of the judgment pronounced in any criminal case heard in said Court, and to punish contemnors for all contempts punishable by Circuit Judges and Chancellors.

SECTION 11. That it shall be obligatory upon the Judge of said Sessions Court to advise every defendant of his constitutional rights to aid of counsel, to be tried only upon presentment or indictment preferred by a grand jury, to make a statement with reference to the accusation against him or to remain silent as to said charge, and to a trial by a jury of his peers; that the Court's recital of said rights shall precede the acceptance or entry of a defendant's plea in a criminal case.

Upon a defendant's voluntary waiver of his constitutional rights to be tried upon a presentment or indictment, and by a jury of his peers, said Sessions Judge shall proceed to hear and determine said defendant's guilt or innocence.

To be sufficient, said waiver shall disclose the identity of the accused, the nature of his alleged offense, his plea thereto, the particular rights waived, and the date executed, and be signed by the person charged and the Clerk of the Court or his deputy. No exception may be taken to the following form:

The defendant _____ pleads _____ guilty to the offense with which he stands charged, to-wit: _____, and expressly waives his right to be tried only upon presentment or indictment preferred by a grand jury, and his right to be tried by a jury of his peers. This the _____ day of _____, 19____.

Defendant

Clerk or Deputy Clerk

A defendant incapable of signing his name may make his mark in the presence of a third person, and the Clerk or his deputy shall attest said act.

SECTION 12. That separate dockets shall be kept by the Clerk of said Court, under the direction of the Judge thereof, for civil, criminal and juvenile cases. Upon the civil docket shall be entered the style of each case, the date of the warrant or process, the officer to whom said warrant or process was delivered, the return of the process in brief form, the action of the Court on the case, interlocutory and final orders, judgments, executions, garnishments, the fees of the Court, officers and witnesses, and credits for payments upon judgments or costs.

The criminal docket shall disclose the name of every person for whose arrest a warrant or information was issued, the officer to whom said writ was delivered for execution, the prosecutor of the alleged offender, and all further information required by law. The Clerk shall not deliver a criminal warrant to writ to an officer for execution until its issuance has been recorded in the criminal docket.

The juvenile docket and the juvenile record shall disclose all information required by Section 3 of Chapter No. 177 of the Public Acts of 1955 applicable to juvenile cases, and such further facts as subsequent laws may require.

SECTION 13. That said Sessions Judge shall have the qualifications and take the oath of office prescribed by law for Circuit Judges and Chancellors; that the compensation of said Judge shall be Six Thousand Dollars (\$6,000.00) per annum, payable in equal monthly installments by warrant drawn upon the general funds of the County; that the first Judge of said Court shall be elected by the qualified voters of Loudon County at the regular or biennial election to be held in August 1960 and serve until September 1, 1966; that his successor shall be similarly elected in the regular biennial election to be held in August 1966, and at said August election every eight (8) years thereafter; that each successor shall take office September first (1st) following his election as aforesaid.

It is further provided that said Judge shall be entitled to twelve (12) days vacation time in any twelve (12) months period.

Said Sessions Judge shall be entitled to receive an expense allowance of twelve hundred dollars (\$1200.00) per annum, payable in equal monthly installments by warrant drawn upon the general funds of the County.

As amended by: Private Acts of 1963, Chapter 284

SECTION 14. That in the event of a vacancy in the office of said Judge the Governor shall forthwith appoint a Sessions Judge having the qualifications required by this Act. Said appointee shall hold office until September first (1st) following the next biennial August Election, in which election the qualified voters of Loudon County shall elect a successor for the remainder of the unexpired term. Should a vacancy occur within fifteen (15) days of such biennial election the appointee shall hold office until

September first (1st) following the next biennial election.

SECTION 15. That in the event said Judge should fail to appear at any session of said Court, except sessions held during his annual vacation, the lawyers present may by majority vote elect any qualified person Judge of said Court during the temporary absence of said judicial officer. The same procedure shall apply in designating a Judge to hear any case in which the regular Judge is interested or recuses himself. When elected, as aforesaid, openly or by secret ballot, the special Judge shall be vested with power and authority to hold said Court during the absence of the regular Judge. Every such election shall be held by the Clerk of said Court, who shall make and file a record thereof and administer unto the person elected the same oath taken by Circuit Judges and Chancellors.

It is provided further that no claim against the County for compensation of special Judges shall be allowed except for the services rendered by the Judges elected to preside over said Court during the vacation of the regular Judge. The Judge elected for said period shall be compensated at the rate established by this Act for said regular Judge. The source, form and time of said payments shall be the same as provided herein for said office.

The election of the special Judge to hold said Court during the vacation of the regular Judge shall be held by the Clerk as aforesaid, but before said election shall become final a majority of the members of the bar of the County shall cast their votes for one qualified person. The Clerk shall mail notices of the hour and day of said election to all members of the Loudon County bar at least three full days before the designated date thereof. The Judge of said Court shall be eligible to vote in said election to be held in the courtroom of the County courthouse. As aforesaid, the balloting may be either open or secret. Said election shall be held on any one of the ten (10) days preceding the first vacation day of the regular Judge. A special Judge elected under any of the provisions of this Act shall be vested with all the authority and jurisdiction of the Judge of said Court during the latter's absence or until a successor is elected as provided herein.

SECTION 16. That a willful and inexcusable neglect of duty or a prolonged and unreasonable absence of the Judge of said Sessions Court shall create a vacancy in said office, providing such neglect or absence shall be judicially determined by a legally rendered judgment or decree in a proceeding properly initialed for said purpose by one or more citizens and residents of Loudon County. This procedure for remedial action in case of dereliction of duty on the part of said Judge shall not be construed as an abridgement of existing law. Therefore, if held unconstitutional this section shall be elided without affecting the remaining provisions of this Act.

SECTION 17. That said Sessions Judge shall hear and determine all cases pending in the Courts of Justices of the Peace and in the Juvenile Court of the County Judge of Loudon County on September 1, 1960, the effective date of this Act.

SECTION 18. That said Judge shall not be precluded from practicing law in the Chancery, Circuit, County or Appellate Courts except in cases which originated in said Sessions Court or in which the facts relied upon by a party were presented in a trial or proceeding held in said Court. Said Judge shall not be a partner to any lawyer practicing in said Court, nor a member of a firm of practicing attorneys.

SECTION 19. That the Clerk of the Circuit Court of Loudon County shall be the Clerk of the Court created by this Act, and when acting in said capacity shall be designated Clerk of the Court of General Sessions. As compensation for his services, said Clerk shall receive One Thousand Eight Hundred Dollars (\$1,800.00) per annum, payable in equal monthly installments from the general fund of Loudon County. The Clerk's compensation shall not be added to the fees, commissions and emoluments of the Circuit Court Clerk in determining the earnings of said Clerk under the General or Maximum Salary Act.

SECTION 20. That the Clerk of said Court is hereby empowered and authorized to issue all warrants, process and writs other than those issuable only by a Judicial officer under general law, and to take prosecution and cost bonds in civil actions and bail, recognizance and appearance bonds in bailable criminal offenses. No abridgment of the Sheriff's authority to accept bonds as provided by law is intended.

SECTION 21. That said Clerk shall receive, safely keep and account for all funds coming into his hands, and shall execute a bond payable unto the State of Tennessee, for the use and benefit of Loudon County, in the penalty of Five Thousand Dollars (\$5,000.00), secured by solvent surety and conditioned as are bonds of other money handling county officials.

SECTION 22. That Justices of the Peace for Loudon County be required to deliver their dockets and all papers filed in their courts, in cases tried and pending, to said Sessions Court before twelve (12) o'clock noon, September 1, 1960. The failure of a magistrate to make said deliveries within the time specified, or to account for all fines assessed, shall constitute a forfeiture of all fees due him as such officer. Unless forfeited as aforesaid, the Justices of said County may recover all unpaid fees provided by law.

SECTION 23. That each section, paragraph and sentence of this Act is severable. Therefore, only the parts expressly invalidated shall fail. In the event of an attack upon this Act, the provisions found to be

unconstitutional or invalid shall be elided, without impairment of any part not expressly invalidated.

SECTION 24. That it is the intendment of this Act to exclude and exempt Loudon County from the provisions of all laws in conflict with those embraced herein, and to such extent said conflicting laws are hereby repealed.

SECTION 25. That this Act shall be approved or rejected, and thereby made effective or inoperative, by a plurality of the votes cast by the qualified voters of Loudon County in an election to be called and held by the Commissioners of election of said County within ninety (90) days after the sine die adjournment of the Eighty-First General Assembly of Tennessee. The ballots to be cast in said election shall read as follows:

For the Sessions Court

Against the Sessions Court

All laws applicable to the biennial August elections shall apply to the said referendum. Said Commissioners of Election shall canvass the returns of said election and certify the result thereof to the Secretary of State. Thereupon, this Act shall take effect September 1, 1960, the public welfare requiring it.

Passed: February 18, 1959.

Private Acts of 2015 Chapter 21

SECTION 1. There is hereby created and established an additional Court of General Sessions in and for Loudon County, Tennessee, which shall be designated "Division II, Court of General Sessions in and for Loudon County, Tennessee," and the existing court created by Chapter 57 of the Private Acts of 1959 shall be designated "Division I, Court of General Sessions in and for Loudon County, Tennessee".

SECTION 2. The Judge for Division II, Court of General Sessions of Loudon County, Tennessee, shall possess all the qualifications and be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. By September 1, 2015, the Loudon County Board of Commissioners shall interview candidates for and appoint a qualified person to serve as Judge for Division II. The Board of Commissioners shall begin accepting applications for the position of Judge of Division II on June 1, 2015. The person who is initially appointed as the Division II judge by the Board of Commissioners shall take office on September 1, 2015, and serve until August 31, 2016, or until the appointed judge's successor is elected and qualified. At the August 2016 general election, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II of the Court of General Sessions of Loudon County for the remainder of the unexpired term. At the August general election in 2022, and every eight (8) years thereafter, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II for a term of eight (8) years.

SECTION 3. The jurisdiction of Division II of the Court of General Sessions of Loudon County, Tennessee, and the judge thereof, shall be concurrent with the jurisdiction established by law for Division I of the Court of General Sessions of Loudon County. The judges of all Divisions of the General Sessions Court are vested with the same civil and criminal jurisdiction conferred by general law on judges of general sessions courts and as set forth in Chapter 57 of the Private Acts of 1959, as amended by Chapter 284 of the Private Acts of 1963, and Chapter 86 of the Private Acts of 1981.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Division II Court of General Sessions of Loudon County, Tennessee, the vacancy shall be filled by the Loudon County Board of Commissioners appointing a person qualified to fill the vacancy, and the person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is elected and qualified.

SECTION 5. The Loudon County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created, and, to the extent necessary, the judges of the various Divisions, the clerks, and such other personnel as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Loudon County, upon the creation of Division II of the Court of General Sessions, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Loudon, along with the necessary furnishings and supplies and equipment for the proper operation and maintenance of the Court, and shall pay for such expenses out of the County general funds. The regular place for holding such Court shall be in the courtroom provided in Loudon County, but at the discretion of the Judge of Division II, court may be held in any other place or places and at such times and places as the judge may designate.

SECTION 6. The Judge of the existing General Sessions Court of Loudon County, Tennessee, shall be

designated as the Judge of Division I, Court of General Sessions of Loudon County, and, upon passage of this act, shall assume the position of Senior Judge of the General Sessions Court of Loudon County and shall hold that position until the current Judge of Division I is no longer a judge, or September 1, 2022, whichever comes first. Thereafter, the position of Senior Judge of the General Sessions Court of Loudon County shall be determined by the length of tenure of the judges of the General Sessions Court of Loudon County. In the event that new judges are elected to the seats of both Division I and Division II of the Court of General Sessions of Loudon County in the same year, then that judge who received more votes in the election shall be the Senior Judge. The Senior Judge of the General Sessions Court of Loudon County shall be authorized and empowered to set the Courts' dockets, assign cases, and hire personnel associated with the General Sessions Court of Loudon County, and shall be in charge of the general administration of the General Sessions Court of Loudon County.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Loudon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 8. 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 7.

Passed: June 30, 2015.

Probate

Private Acts of 1981 Chapter 86

COMPILER'S NOTE: This act must be read in conjunction with Private Acts of 1959, Chapter 57.

SECTION 1. The Judge of the General Sessions Court of Loudon County is hereby vested with jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, previously vested in the County Court, the County Judge or County Chairman, or the Chancery Court.

SECTION 2. The County Clerk shall continue to be the clerk for all probate matters and such clerk shall retain all powers, duties and jurisdiction in probate matters as he exercised prior to this Act.

SECTION 3. The procedure, rules of practice and laws governing the administration of the estates in probate shall be the same as are now in effect, except where expressly changed by this Act.

SECTION 4.

(a) All probate matters and the administration of any estate pending in any other court in Loudon final disposition in such matter as if it had originated in such court.

(b) Upon approval of this Act by the county legislative body, all records and other documents relating to a probate matter or the administration of an estate in Loudon County, except those records and documents that relate to a pending case, shall be transferred to the General Sessions Court of Loudon County.

SECTION 5. Chapter 57 of the Private Acts of 1959, and all Acts amendatory thereto, is further amended by deleting from the second sentence of the second paragraph of Section 3 the words "probate and".

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Loudon County before January 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the Loudon County legislative body and certified by him to the Secretary of State.

SECTION 7. 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 thirty (30) days after being approved as provided in Section 6.

PASSED: April 9, 1981.

Law Library Commission

Private Acts of 1967-68 Chapter 38

SECTION 1. That there is hereby created a Law Library Commission of Loudon County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled to practice in all the Courts of Loudon County, Tennessee, and maintaining a full time law office within the territorial jurisdiction of said Courts; the third member shall be the County Judge.

The two (2) attorney members of said Commission shall be elected by the members of the Loudon County Bar Association at its next regular meeting or special meeting called for that purpose on or after the effective date of this Act, to serve until the next regular meeting of the Loudon County Bar Association at which Bar Association officers are elected. Thereafter, attorney members of the Commission shall be elected annually by the membership of the Loudon County Bar Association at the same time that Bar Association officers are elected. The Secretary of the Loudon County Bar Association shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the Commission shall elect from among its membership a Chairman and a Secretary. The members of this Commission shall receive no compensation for their services as such.

SECTION 2. That on or after the effective date of this Act, a litigation tax not to exceed One Dollar (\$1.00) shall be taxed as part of the costs in all cases, both criminal and civil, filed in all Courts of Loudon County, Tennessee.

Said tax shall be collected by the clerk of each Court and shall be paid to the Trustee of Loudon County, Tennessee, who will place the same in a separate fund, which is to be designated as the "Loudon County, Legal Library Fund." Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the County Judge upon the approval and authorization of the Commission.

SECTION 3. That the Commission shall have the following powers and authority:

- (a) To expend the funds hereby provided for the purpose of establishing and maintaining a Law Library for the use of the court, judges, public officials and attorneys.
- (b) To acquire by gift, purchase, loan, or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- (c) To acquire in like manner furniture, equipment and supplies for the establishment and operation of the Law Library.
- (d) To make such rules and regulations governing the operation and use of the Law Library as the Commission in its discretion deems necessary.
- (e) The commission shall be responsible for the protection and safekeeping of the Law Library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such library any persons who should cause any damage to the equipment, fixtures or contents thereof, or who refuse to conform with the rules and regulations promulgated by the Commission.
- (f) To borrow money, buy on credit, and pledge the revenues from the tax hereinabove provided for the payment of the same.
- (g) To set the amount of the litigation tax (not to exceed One Dollar (\$1.00) which shall be taxed as hereinbefore provided.

SECTION 4. That the Commission shall hold regular meetings and special meetings upon the call of the Chairman. Two (2) persons shall constitute a quorum and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the Commission. The Secretary shall keep the records of all meetings to reflect the action of the Commission.

SECTION 5. That upon the termination of the Commission, or any successor or successors to said Commission, by an Act of the General Assembly or otherwise, the Law Library, its contents, equipment and supplies, and all other property obtained by Act of the Commission shall become the property of Loudon County for the use and benefit of the residents of said county.

SECTION 6. That if any provisions or clause of this Act or application thereof to any person or circumstance be held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect after the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

SECTION 7. That this Act shall have no effect unless the same shall be approved by two-thirds ($\frac{2}{3}$) vote of the Quarterly Court of Loudon County, Tennessee, at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Judge and shall be certified by him to the Secretary of State.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1967.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1925, Chapter 521, created boards of jury commissioners in Loudon, Blount, Roane, Monroe, Bradley and Polk counties. This act was amended by Private Acts of 1927, Chapter 285 which removed Loudon County from applicability of the act.
2. Private Acts of 1931, Chapter 556, established a board of jury commissioners in Loudon County; prescribed the duties of the members of said board and provided for jury lists and jury boxes.

Chancery Court

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

1. Public Acts of 1870, Chapter 32, placed Christiana County in the second chancery district along with Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan and Fentress counties.
2. Public Acts of 1870, Chapter 47, fixed the time for holding the Christiana County Chancery Court to the third Mondays of May and November.
3. Acts of 1885, Extra Session, Chapter 20, placed Loudon County in the second chancery division along with Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Morgan and Scott counties. The time for holding said court in Loudon County was set for the third Mondays in May and November.
4. Public Acts of 1899, Chapter 427, placed Loudon County in the second chancery division along with Sevier, Blount, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress and Jefferson counties. The time for holding said court in Loudon County was set to the third Monday in January and July.
5. Public Acts of 1931, Second Extra Session, Chapter 38, placed Loudon County in the second chancery division along with Hawkins, Claiborne, Hancock, Campbell, Anderson, Roane and Scott counties. The time for holding said court in Loudon County was set to the first Mondays in May and November.

Chancery Court - Clerk and Master

The reference list below contains an act which once applied to the clerk and master in Loudon County.

1. Private Acts of 1925, Chapter 83, set the salary of the Loudon County Clerk and Master at \$300 per year plus the fees of the office. This act was repealed by Private Acts of 1933, Chapter 124.

Circuit Court

The following acts were once applicable to the circuit court of Loudon County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1870, Chapter 31, placed Christiana County in the third judicial circuit along with Morgan, Anderson, Knox, Monroe, Roane, Cumberland Fentress and Blount counties.
2. Public Acts of 1870, Chapter 46, fixed the time for holding the Christiana County Circuit Court to the fourth Mondays of May, September and January.
3. Public Acts of 1879, Chapter 179, set the time for holding the Loudon County Circuit Court to the fourth Mondays in April, August and December.
4. Acts of 1885, Extra Session, Chapter 20, placed Loudon County in the third judicial circuit along with Blount, Monroe, Roane, Morgan and Scott counties. The time for holding said court in Loudon County was set to the fourth Mondays in April, August and September.
5. Public Acts of 1895, Chapter 30, set the time for holding the Loudon County Circuit Court on the first Mondays in January, May and September.
6. Public Acts of 1899, Chapter 427, placed Loudon County in the fourth judicial circuit along with

Bradley, Polk, Meigs, McMinn, James, Roane, Blount and Monroe counties. The time for holding said court in Loudon County was set to the first Monday in March, July and November.

7. Acts of 1903, Chapter 354, set the time for holding the Loudon County Circuit Court to the first Mondays in February, June and October.
8. Private Acts of 1911, Chapter 401, set the terms of the Loudon County Circuit Court to the first Monday in February, the fourth Monday in May and the first Monday in October.
9. Private Acts of 1923, Chapter 537, set the time for holding the Loudon County Circuit Court on the first Mondays in February, June and October.
10. Public Acts of 1929, Chapter 142, set the time for holding the Loudon County Circuit Court to the fourth Monday in February, June and October.
11. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Loudon County in the fourth judicial circuit along with Bradley, Roane, Blount, McMinn, Polk and Monroe counties. The time for holding said court in Loudon County was to the fourth Mondays in February, June and October.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Loudon County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1897, Chapter 260, required the secretary of state to furnish the offices of the circuit court clerk and clerk and master of Loudon County all the supreme court reports up to the first Baxter volume. Loudon County was to pay the cost of transportation.
2. Private Acts of 1911, Chapter 328, set the salary of the Loudon County Circuit Court Clerk at \$600.00 per year.
3. Private Acts of 1915, Chapter 552, set the salary of the Loudon County Circuit Court Clerk at \$700.00 with the provision that any excess fees above this amount could be retained.
4. Private Acts of 1919, Chapter 471, set the salary of the Loudon County Circuit Court Clerk at \$900.00 per year to be paid out of the fee account. This act was repealed by Private Acts of 1923, Chapter 178.
5. Private Acts of 1921, Chapter 830, set the salary of the Loudon County Circuit Court Clerk at \$1200.00 per year. This act was repealed by Private Acts of 1923, Chapter 177.
6. Private Acts of 1925, Chapter 119, set the Loudon County Circuit Court Clerk's salary at \$300.00 per year in addition to the fees of the office.

Criminal Court

The following acts once pertained to the Loudon County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1899, Chapter 427, set the time for holding the Loudon County Criminal Court to the first Monday in March, July and November.
2. Private Acts of 1925, Chapter 58, created a criminal court in Loudon County. This act was duplicated in Public Acts of 1925, Chapter 15.
3. Private Acts of 1925, Chapter 105, fixed the dates for the opening of the regular terms for the criminal court in Loudon County to the first Mondays in March, July and November.
4. Public Acts of 1929, Chapter 142, set the time for holding the Loudon County Criminal Court on the fourth Monday of January, May and September.
5. Public Acts of 1931, Second Extra Session, Chapter 38, re-established the criminal division of the fourth judicial circuit which comprised the counties of Loudon, Bradley, Blount, McMinn, Polk, Monroe and Roane. The time for holding said court in Loudon County was set for the fourth Mondays in January, May and September.
6. Public Acts of 1965, Chapter 188, created the twenty fourth judicial circuit and transferred the counties of Polk, McMinn, Bradley, and Monroe into that circuit, leaving Blount, Loudon and Roane Counties in the criminal division of the fourth circuit. The Loudon County courts would meet on the third Mondays in March, July and November, in Loudon County for civil cases and the third Mondays in January, May and September for criminal cases.
7. Public Acts of 1979, Chapter 427, changed all court dates from the third to the first Mondays of the designated months set out in 5 above.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Loudon County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1939, Chapter 228, established a criminal investigator for the fourth judicial circuit.
2. Public Acts of 1971, Chapter 130, created the office of one additional assistant district attorney general for the fourth judicial circuit, which included Loudon County.
3. Public Acts of 1972, Chapter 550, authorized the district attorney for the fourth circuit to hire at secretary at the salary of \$4,800 per annum. This act has been superseded by T.C.A. 8- 26-101 (G) and (H) which provides that secretarial salaries for such positions will be determined by the executive secretary of the district attorney general conference in conjunction with the commissioner of personnel.
4. Public Acts of 1974, Chapter 687, created the office of one criminal investigator for the fourth judicial circuit, which include Loudon County.

General Sessions Court

The following act once affected the general sessions court of Loudon County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1965, Chapter 225, would have amended Private Acts of 1959, Chapter 57 so as to vest the general sessions court of Loudon County with jurisdiction to hear and determine workmen's compensation cases and to remove the disabilities of minors. However, this act was rejected by Loudon County and therefore never became law.
2. Private Acts of 2003, Chapter 57, would have amended Private Acts of 1959, Chapter 57, by creating a "Family Court of Loudon County, Tennessee." This act did not receive local approval.
3. Private Acts of 2005, Chapter 55, would have amended Private Acts of 1959, Chapter 57, by creating a "Family Court of Loudon County, Tennessee". This act did not receive local approval.

Secretarial Assistance

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 231, created the office of secretary of the judge of the fourth judicial circuit who was to be paid \$2,400 per year.

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