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Chapter V - Court System

Dear Reader:

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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

Circuit Court

Public Acts of 1975 Chapter 304

COMPILER'S NOTE: Only portions of this Act are published in Tennessee Code Annotated. Therefore, the whole Act has been reproduced here.

SECTION 1. Section 16-208 [16-2-202] of Tennessee Code Annotated is hereby amended by deleting said section in its entirety and substituting in lieu thereof a new section 16-208 [16-2-202], to read as follows:

16-208. Second Judicial Circuit. The Circuit Court for the Second Judicial Circuit shall be held in Divisions I and II at the times mentioned as follows: Cocke County -- First Monday in January, May and September; Union County -- First Monday in February, June and October; Sevier County -- Third Monday in February, June and October; Jefferson County -- Third Monday in March, July and November; Grainger County -- Third Monday in April, August and December; Hancock County -- Second Monday in April, August and December.

SECTION 2. The Second Judicial Circuit shall be served by two (2) Circuit Judges. The Judges shall serve respectively as Judges of Division I and Division II of the Circuit Court. The presiding judge shall be responsible for the assignment of duties of judges within the circuit, for designation of special terms, for establishing rules of Court, for docketing and assignment of cases, both civil and criminal. Among the special responsibilities of the presiding Judge of the Second Judicial Circuit is the appointment, supervision and replacement of all appointed or designated officers of the Court, Grand Jury foremen, jury commissioners and other officers provided by law. The presiding judge shall be the chief administrative officer of the Court.

SECTION 3. The presently elected and serving Circuit Judge is hereby designated as Judge of Division I of the Second Judicial Circuit with the prerogatives, powers and duties vested in that Division.

SECTION 4. The Governor of the State of Tennessee shall within thirty (30) days after this Act shall take effect, appoint a Judge of Division II of the Second Judicial Circuit who shall hold office until his or her successor is elected and qualified in accordance with general law. Thereafter, Judges of the Second Judicial Circuit shall qualify as candidates for Division I or Division II of the Circuit and shall be elected by the qualified voters as Judge of the respective Division for which they qualified.

SECTION 5. The judges of Division I and Division II of the Second Judicial Circuit shall possess all of the rights, privileges, qualifications, emoluments, immunities, powers and jurisdiction conferred by general law on Circuit Judges of the State of Tennessee.

SECTION 6. Division I and Division II of the Second Judicial Circuit shall have the power to hold Court in the Counties of the Circuit irrespective of term, and may hold Court simultaneously in the same or different Counties.

SECTION 7. The clerks of the Circuit Court of the Second Judicial Circuit shall act as clerks for both Division I and Division II of the Circuit and shall keep such dockets, records and minutes thereof as are now or may hereafter be provided by law or Court rule for the compensation provided by law.

SECTION 8. All laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 9. This Act is declared to be severable. Should any section, provision, clause or part of this Act fail for any reason, it is the legislative intent that the remainder of the Act shall continue in full force and effect.

SECTION 10. This Act shall take effect upon becoming law, the public welfare requiring it.

Passed: May 15, 1975

District Attorney General

Assistants and Criminal Investigators

Public Acts of 1975 Chapter 253

COMPILER'S NOTE: This is special legislation and is not codified in Tennessee Code Annotated.

SECTION 1. There is created the office of one (1) additional Assistant District Attorneys General for the Second Judicial Circuit. The District Attorney General of the Second Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the State of Tennessee.

SECTION 2. The said additional Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the Second Judicial Circuit.

SECTION 3. The said Assistant District Attorney General for the Second Judicial Circuit shall each receive an annual salary in equal monthly installments out of the treasury of the state, as provided in Section 8-708, Tennessee Code Annotated.

SECTION 4. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 15, 1975.

Public Acts of 1977 Chapter 377

COMPILER'S NOTE: This is special legislation and is not codified in the Tennessee Code Annotated.

SECTION 1. There is hereby created an office of full-time Assistant District Attorney General for the Second Judicial Circuit. The District Attorney General for the Second Judicial Circuit shall appoint a suitable person to such office, said person to serve at the pleasure of the District Attorney General.

SECTION 2. The person so appointed to serve as Assistant District Attorney General shall be admitted to the practice of law in the State of Tennessee, and shall, upon his or her appointment execute the Affidavit of Intent required of full-time Assistant District Attorneys General by the provisions of Tennessee Code Annotated, Section 8-708.

SECTION 3. The person appointed to serve as Assistant District Attorney General under the provisions of this act shall perform such duties as may be required by the District Attorney General in the carrying out of the duties of the office of District Attorney General.

SECTION 4. The person appointed to serve as Assistant District Attorney General under the provisions of this act shall be compensated as a full-time Assistant District Attorney General as provided for by general law.

SECTION 5. This act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 16, 1977.

Public Acts of 1978 Chapter 631

COMPILER'S NOTE: This Act is comprised of special legislation and is not codified in the Tennessee Code Annotated.

SECTION 1. There is hereby created an additional position of Criminal Investigator for the District Attorney General for the Second Judicial Circuit. The District Attorney General for the Second Judicial Circuit shall appoint a suitable person to such position, to serve at his pleasure.

SECTION 2. The person so appointed shall perform such duties as the said District Attorney General may direct, and shall be compensated as provided for by general law.

SECTION 3. The said Criminal Investigator shall have the same powers and authority as a deputy of the county sheriff.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 9, 1978.

General Sessions Court

Private Acts of 1959 Chapter 68

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

Court rooms and adequate facilities for said Court shall be provided in the Court House at Dandridge, and it shall be the duty of the Chairman of the County Court of said County to make provisions 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 Jefferson 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 Jefferson County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of 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, is in no wise affected by this Act.

As amended by: Private Acts of 1969, Chapter 115

SECTION 3. That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon the Chairman of the County Court in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile Cases, suits and actions, which jurisdiction shall be co-extensive with Jefferson County, Tennessee, provided, however, nothing in this Act shall be construed to divest the said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly Court.

As amended by: Private Acts of 1961, Chapter 247

SECTION 4. That jurisdiction and authority is hereby conferred upon the Judge of the Court of General Sessions for Jefferson County, Tennessee, to grant all extraordinary process in all proper cases presented to him in which application is made therefor in all cases originating in Jefferson County, and when so granted by him will be as effective as those granted by the Judges of the various Courts of this State.

SECTION 5. That before the issuance of any warrant in a civil case the plaintiff shall execute cost bond with good security in the sum of Twenty-Five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Court of not less than Five (\$5.00) Dollars, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or to 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 Court House in Dandridge daily, except legal holidays, from 9 o'clock A.M. to 5 o'clock P.M., provided, however, the Judge shall have the power and authority to hear and determine cases at any other place in Jefferson County as he may determine to be more feasible and convenient for the parties.

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 specially changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act' and that the costs and fees, rules of pleading and practice, forms of writs and process, and dockets and records in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile cases shall be the same as now required by law, except where specifically changed by this Act.

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 Judges and Chancellors, except that such Judge need not be learned in the law and authorized to practice the law in the courts of Tennessee. His compensation shall be that as fixed by the general law of the State for Judges of the court of General Sessions in counties of the fifth class, such compensation to be paid in equal monthly installments, out of the general funds of the county. Before entering upon the duties of his office, said Judge shall be required to make a bond in the principal amount of five thousand dollars (\$5,000.00), with a corporate surety, conditioned upon the faithful performance of his duties, including the proper accounting of all funds coming into his hands. The premium cost of said bond shall be paid out of the general funds of the county.

As amended by: Private Acts of 1965, Chapter 183

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, 1960, and shall take office September 1, 1960, and who shall serve until his successor is duly 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, 1966, and hold said office for a term of eight years as provided by law for Circuit Judges and Chancellors.

SECTION 11. That in the case of a vacancy for any cause the Quarterly County Court shall have the power, at any regular or special session called for such purpose, to appoint some qualified person to fill such vacancy until September 1st. following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by the qualified voters of Jefferson County.

SECTION 12. That if the Judge of said Court fails to attend, cannot attend, or preside in a pending case, the majority of the attorneys present in such Court may elect one of their number or some other qualified person who has the qualifications of such Judge, and when so elected shall have the same authority as a regular Judge to hold Court for the session.

SECTION 13. That the Clerk of the Circuit Court of Jefferson 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 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 Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

SECTION 14. That the Clerk of the County Court of Jefferson County, Tennessee, shall serve as Clerk of said Court in all Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile matters, who shall receive the same costs, fees and emoluments as are now allowed by law for such services.

SECTION 15. That all fees, commissions and emoluments occurring 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 Jefferson 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 16. 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 other inferior courts.

SECTION 17. That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with jurisdiction and try to determine and render final judgments in all misdemeanor cases brought before said court by warrants 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 Circuit Court of Jefferson County, where such appeal shall be tried by a Judge of such court without a jury, and without indictment or presentment.

As amended by:

Private Acts of 1980, Chapter 178

SECTION 18. That it shall be mandatory duty of the Judge of said Court where a defendant is brought before such court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of a counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement 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 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 19. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Jefferson County, Tennessee, 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 20. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Jefferson County, Tennessee, 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 the Justices of the Peace of said County shall be turned over to Jefferson County on the date this Act becomes effective.

SECTION 21. That the Legislature expressly declares that each section, subsection, 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 effect 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 they are hereby, repealed as of the date this Act becomes effective.

SECTION 23. That this Act have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County court of Jefferson County, Tennessee, at any regular or called session occurring within one year subsequent to its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Upon such approval of this Act by the Quarterly County Court of Jefferson County, Tennessee, the enactment of this Act shall not affect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Jefferson County as now existing and as to them and their powers and duties this Act shall take effect September 1, 1960, but for all other purposes from and after its passage and approval as hereinbefore set out, the public welfare requiring it.

Passed: February 19, 1959.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Territorial Ordinance dated December 18, 1792, and signed by William Blount, Governor of the Territory of the United States south of the Ohio River, ordained that Jefferson County acting through its Court of Pleas and Quarter Sessions would appoint and dispatch eight jurors to the Superior Court of the District, as directed by the laws of North Carolina.
2. Territorial Ordinance, dated March 13, 1793, formed Knox County and Jefferson County into the Hamilton Judicial District where the Superior Court of Law and Equity would hold two sessions each year on the second Monday in April and October, which sessions were to continue for ten judicial days. Each of the two counties would send 18 jurors to the Court and all cases arising in those two Counties were to be transferred by the Clerk of the Washington District.
3. Acts of 1794, Chapter 1, declared that the territory south of the Ohio River would be henceforth divided into three Judicial Districts, the Washington District, the Hamilton District, and the Mero District, in each of which a Superior Court would be held for the trial of civil and criminal cases at the times heretofore appointed by law.
4. Acts of 1794, Chapter 8, scheduled the court terms for the Superior Courts in each of the three Districts named in the preceding Act. The Superior Court of the Hamilton District would meet on the second Tuesday in April and October.
5. Acts of 1797, Chapter 6, provided that the Superior Court of Law and Equity would hereafter begin in the Hamilton District on the fourth Monday in March and September.
6. Acts of 1797, Chapter 7, announced that Knox County would furnish 12 jurors to the Superior Court of Law and Equity of the Hamilton District, Blount County would provide five jurors, Cocke County, four jurors, Sevier County, four jurors, Jefferson County, seven jurors, and Grainger County was tagged for five jurors.
7. Acts of 1799, Chapter 21, Section 2, required Jefferson County to furnish five jurors to the Superior Court of the Hamilton District and Grainger County would send seven at the same time.
8. Acts of 1815, Chapter 70, was the authority to appoint an additional Judge to the Supreme Court of Error and Appeals who would be chosen by a joint ballot of the General Assembly and commissioned by the Governor.
9. Acts of 1835-36, Chapter 3, was part of the implementation required under the new Tennessee Constitution for the Judicial System. This Act provided for a three Judge Supreme Court of Errors and Appeals, one Judge to come from each of the three grand divisions of the State, who would be appointed by joint action of the General Assembly and be commissioned by the Governor. At least one session each year would be held by the Supreme Court at Knoxville, Nashville, and

Jackson, Jefferson County, and 21 other counties, constituted the Eastern Division of the said Court.

10. Private Acts of 1911, Chapter 105, amended Private Acts of 1903, Chapter 552, which created a Board of Jury Commissioners in several of the eastern Tennessee Counties under certain terms and conditions, by adding the appropriate population figures from the Federal Census of 1910 which would make the amended act effective in Jefferson County as well, but the Board in Jefferson County would consist of three discreet persons instead of the two prescribed for the other counties.
11. Private Acts of 1921, Chapter 850, was the legal authority for the Quarterly Court of Jefferson County to appoint jurors who would serve in the ensuing term of circuit court but none could serve who had been jurors in the two years next preceding their selection. The Court would select 25 jurors and name two Constables to wait upon them. Some qualifications were set up which the prospective juror must satisfy but anyone selected and not reporting to serve could be fined. The Judge could fill vacancies as they might occur in the ranks of the jurors. The Chancellors could direct the Sheriff to summon jurors to serve in the Chancery Courts as they might be needed.
12. Private Acts of 1925, Chapter 286, amended the caption of Private Acts of 1903, Chapter 552, to add the population figures necessary to making that Act apply to Jefferson County, thus providing for the County a three member Board of Jury Commissioner who would be appointed by the Quarterly Court at the July term of Court each year.
13. Private Acts of 1927, Chapter 335, was the legal authority for the Jefferson County Quarterly Court to appoint 25 jurors before each term of the Circuit Court who would serve as both grand and petit jurors for that term. The jurors were to be selected from among the number recommended to the court by the Justices and be distributed as evenly as possible among the civil districts of the county. No one could serve who had served during the two years next preceding the selection. The Quarterly Court would also appoint two constables who would wait upon the next term of the Circuit Court. The County Court Clerk would send the list to the Circuit Court Clerk who would transmit the same to the Sheriff to summon the prospective jurors. Anyone failing to appear could be penalized by a fine and only the Judge could excuse anyone. If the panel should become exhausted the Circuit Court Judge could act to remedy the situation.
14. Private Acts of 1947, Chapter 213, provided that jurors and officers would be paid \$4.00 per day for their services in Jefferson County (identified by the use of the 1940 Federal Census). See Section 22-401 through 22-405, Tennessee Code Annotated for further information on this subject.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Jefferson 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. Territorial Ordinance of March 13, 1793, signed by William Blount, Governor, in and over the Territory of the United States lying south of the Ohio River, ordained that the counties of Jefferson and Knox would constitute the Judicial District of Hamilton in which would be held two Superior Courts of Law and the Courts of Equity each year in Knoxville, beginning on the second Monday in April and October and continuing for ten days unless the business of the Court was cleared sooner, each County appointing 18 jurors to attend the Court during each term.
2. Acts of 1794, Chapter 1, gave the Superior Court of Law jurisdiction over all appeals from an inferior Court, other specified original jurisdiction over certain civil matters, original jurisdiction over equity matters and all prosecutions by the government.
3. Acts of 1822, Chapter 13, provided that the Justices of the Supreme Court would arrange among themselves to hold a Court of Equity at the present places of holding the Supreme Court at least once each year. The Equity Court would be at Rogersville on the first Monday in November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January, each term to endure for two weeks, when, and if, necessary.
4. Acts of 1824, Chapter 14, increased the number of Judges on the Supreme Court which would now be held at least once each year in Knoxville, Sparta, and Nashville, and required the Justices to hold the Chancery Courts at least twice each year as this Act designated. The Chancery Court at Greeneville would hear the cases from the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier on the third Monday in May and November of each year.

5. Acts of 1826, Chapter 90, provided that the Chancery Court at Greeneville for the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier, would after January 1, next, start the regular terms of Court on the second Monday in May and November.
6. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, repealing the Jurisdiction of the Supreme Court over original equity cases and providing for two Chancellors, selected by the General Assembly, to preside over the two Divisions. The Eastern Division had the courts at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western Division consisted of the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
7. Acts of 1827, Chapter 88, Section 3, set the opening dates for the terms of the Chancery Court at Greeneville for the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier for the third Monday in May and November of each year.
8. Acts of 1829, Chapter 27, provided that hereafter the Chancery Court for the District composed of the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier, meeting in the town of Greeneville, would commence the regular terms on the second Monday in May and November, all outstanding bonds and process being made to conform.
9. Acts of 1833, Chapter 45, stated that after January 1, next, the citizens of Jefferson County would have the liberty of filing their Bills in the Chancery Court either at the Court in Knoxville or at the Court in Greeneville as they might prefer.
10. Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions with a Chancellor to preside over each Division, who would be appointed by the General Assembly and Commissioned by the Governor. The three grand chancery divisions were further fragmented into Districts. The counties of Jefferson, Cocke and Sevier made up the Fifth District of the Eastern Chancery Division whose Court would be held at Dandridge on the first Monday in April and October. All this was done pursuant to the new State Constitution.
11. Acts of 1837-38, Chapter 116, Section 12, rescheduled the court terms for some of the counties in the Eastern Chancery Division. The Chancery Court at Dandridge would hereafter take place on the third Monday in June and December.
12. Acts of 1839-40, Chapter 21, Section 7, reset the terms of the Chancery Court in the Fifth District of the Eastern Division at Dandridge to be held on the second Monday in June and December instead of the third Monday as was formerly the case.
13. Acts of 1843-44, Chapter 201, Section 2, stated that hereafter the citizens of Cocke County could elect to file their Bills in Chancery at the Chancery Court in Dandridge in Jefferson County, or at the Court in Sevierville in Sevier County.
14. Acts of 1847-48, Chapter 132, Section 2, provided that all the citizens of Greene, Jefferson, and Cocke Counties could file their suits in Chancery at the Chancery Court in Greeneville or at the one in Dandridge, as they might prefer.
15. Acts of 1849-50, repealed expressly such portion of Acts of 1847-48, Chapter 132, above, which allowed the filing of suits in Chancery at either Greeneville or Dandridge for the citizens of Greene, Jefferson, and Cocke Counties.
16. Acts of 1857-58, Chapter 88, separated the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Eastern Division contained the counties of Carter, Cocke, Knox, Union, Sevier, Johnson, Greene, Washington, Sullivan, Hawkins, Claiborne, Grainger, Campbell, Hancock, Anderson, and Jefferson, whose court would meet on the second Monday in June and December at Dandridge.
17. Acts of 1865-66, Chapter 41, established the terms of the Chancery Courts in the Eastern District in a post Civil War Act which assigned the counties of Cocke, Carter, Johnson, Hancock, Hawkins, Claiborne, Grainger, Greene, Sullivan, Washington, and Jefferson to the District. The Court at Dandridge would start its regular terms on the first Monday after the fourth Monday in April and October.
18. Acts of 1870, Chapter 32, formed twelve Chancery Districts in Tennessee subsequent to the adoption of the 1870 Constitution. The first of those Chancery Divisions was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell, and Hamilton.
19. Acts of 1870, Chapter 47, specified the opening dates for the terms of the Chancery Court in every one of the counties in Tennessee. In Jefferson County the court at Dandridge would open on the first Monday after the fourth Monday in April and October.
20. Acts of 1871, Chapter 75, declared that hereafter the Chancery Court at Dandridge for Jefferson

County would be held on the fourth Monday in April and October, and all writs, bonds, and process would be made to conform to those dates.

21. Acts of 1873, Chapter 106, fixed the regular terms of the Chancery Court of Jefferson County from and after November 1, 1873, to begin on the second Monday in January and July.
22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of Tennessee into eleven Chancery Divisions. The First Chancery Division was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen, and Unicoi. Court terms would commence in Jefferson County on the second Monday in January and July. (This Act was cited in *Flynn v. State* (1958) 203 Tenn. 341, 313 SW2d 249).
23. Acts of 1891, Chapter 165, changed the terms of the opening dates for Chancery Court terms in the First Chancery Division which included the counties of Washington, Greene, Carter, Sullivan, Cocke, Unicoi, Hamblen, Grainger, Johnson, Claiborne, Hancock, Hawkins, and Jefferson where the terms were slated to begin on the second Monday in May and November.
24. Acts of 1899, Chapter 214, added the counties of Sevier, Blount, and Loudon to the First Chancery Division, and the counties of Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott were assigned to the new 12th Chancery Division. The Court in Jefferson County would continue to meet on the second Monday in May and November. The First Chancery Division now consisted of the counties of Johnson, Carter, Washington, Unicoi, Greene, Cocke, Sevier, Blount, Loudon, and Jefferson.
25. Acts of 1899, Chapter 427, restructured the lower court system of the State. Ten Chancery Divisions were formed of which the Second Chancery Division was made up of the counties of Sevier, Blount, Loudon, Campbell, Roane, Morgan, Scott, Union, Fentress, and Jefferson whose Court would begin its regular terms on the second Monday in April and October.
26. Private Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by changing the court terms in the First Chancery Division which now included the counties of Sullivan, Johnson, Carter, Washington, Unicoi, Greene, Cocke, Jefferson, Sevier and Blount. Court terms would begin in Jefferson County on the second Monday in May and November.
27. Private Acts of 1905, Chapter 359, Section 9, provided that the Judge of the Second Judicial Circuit would henceforth hold the Chancery Court of Jefferson County.

Chancery Court - Clerk and Master

The reference below is an act which once applied to the clerk and master in Jefferson County.

1. Public Acts of 1982, Chapter 879, T.C.A. 16-16-203, was the authority for the Clerks and Masters who were serving as the Clerks of Probate Courts to accomplish a variety of clerical and judicial acts, during the probate of wills, or the administration of estates, some of which were not available to former Probate Clerks except by special authorization.

Circuit Court

The following acts were once applicable to the circuit court of Jefferson 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. Territorial Ordinance of 1792, which created Jefferson County, also provided that Courts would be held at the home of Jeremiah Matthews until other arrangements were made.
2. Acts of 1809, Chapter 49, formed five Judicial Circuits in Tennessee. The Second Judicial Circuit embraced the Counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe. Circuit Court would be held in Jefferson County on the third Monday in January and July each year.
3. Acts of 1811, Chapter 72, repealed the Circuit Court's original jurisdiction in all cases in which the Court of Pleas and Quarter Sessions had formerly had exclusive jurisdiction and returned it to the Court of Pleas and Quarter Sessions.
4. Acts of 1813, Chapter 77, returned concurrent jurisdiction with the Court of Pleas and Quarter Sessions to the Circuit Court, gave the circuit court equity jurisdiction and provided for appeal from the Court of Pleas and Quarter Sessions to either the Circuit Court or the Supreme Court of Errors and Appeals.
5. Acts of 1827, Chapter 79, gave the Circuit Judges the power to try all causes in law or equity as well as in civil and criminal cases.
6. Acts of 1835-36, Chapter 5, enacted subsequent to the adoption of a new constitution, provided

for at least three terms of the Circuit Court in each county every year. The State was divided into eleven judicial circuits of which the Second Judicial Circuit included the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson, and Morgan. Circuit Court terms would begin in Jefferson County on the third Monday in January, May, and September in Dandridge.

7. Acts of 1835-36, Chapter 19, amended the former 1836 Act (Chapter 5, above) in Section 2 to rearrange the opening dates for the regular Circuit Court terms in some of the counties in the Second Judicial Circuit. Jefferson County would hold the next term of the Circuit Court on the first Monday in April next and the second term on the third Monday in September but after those terms, the courts would begin terms as specified in Chapter 5.
8. Acts of 1837-38, Chapter 3, created the 12th Judicial Circuit in the State assigning to it the Counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell. The Circuit Court in Jefferson County would take place in Dandridge on the first Monday in January, May, and September.
9. Acts of 1837-38, Chapter 116, Section 8, rearranged the schedule for the court terms in the 12th Judicial Circuit changing Jefferson County to the third Monday in April, August, and December.
10. Acts of 1847-48, Chapter 16, stated that hereafter the Circuit Court of Jefferson County would be held on the second Monday in April, August, and December, the court being kept open until it was time for the judge to move on to another county.
11. Acts of 1847-48, Chapter 171, Section 6, declared that all the proceedings of the Jefferson County Circuit Court which occurred at its late term on the third Monday in December would be valid and binding in all respects and on all parties notwithstanding the fact that the present General Assembly had changed the term dates.
12. Acts of 1857-58, Chapter 98, in a complete realignment of the lower court system created sixteen Judicial Circuits in the State. The Second Judicial Circuit included the Counties of Campbell, Claiborne, Union, Grainger, Sevier, Cocke, and Jefferson whose court terms would continue to start on the second Monday in April, August, and December of each year.
13. Acts of 1867-68, Chapter 49, passed on February 25, 1868, repealed the Act passed on November 26, 1867, which created a Criminal Court Division in the Counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Cocke, Jefferson, Grainger, and Claiborne, as the Act was applied to Grainger, Jefferson, Cocke, and Claiborne Counties.
14. Acts of 1867-68, Chapter 90, Section 5, created a Judicial Criminal Division containing the Counties of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger, and Claiborne. The Court would begin its terms in Jefferson County on the second Monday in January, May, and September. Jurors for the Court would be supplied by the County Court and the Judge and Attorney General would first be appointed by the Governor and then elected to proper terms at the first general election occurring thereafter. This Act was repealed for Jefferson County by the one preceding it.
15. Acts of 1869-70, Chapter 11, repealed in its entirety the 1867 Act which created a Criminal Division in the Circuit Courts of those Counties specified therein. Criminal jurisdiction was returned to the Circuit Courts from whence it was taken by the 1867 Act and all the proper transfers of pending litigation were directed to be made by the Clerks.
16. Acts of 1870, Chapter 31, enacted subsequent to the adoption of the 1870 State Constitution provided for fifteen regular, and one special, judicial circuit in Tennessee, assigning the counties of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne, and Hamblen to the Second Judicial Circuit.
17. Acts of 1870, Chapter 46, scheduled the opening dates for the regular terms of the Circuit Courts for every county in Tennessee. Jefferson County's Circuit Court would take up its docket on the first Monday in April, August, and December of each year.
18. Acts of 1879, Chapter 140, Section 2, declared that, after the next term of Court, the Circuit Court of Jefferson County would meet on a regular basis on the second Monday in April, August, and December of each year.
19. Acts of 1883, Chapter 149, stated that the next term of the Circuit Court in Dandridge in Jefferson County would begin on the third Monday in April and on the second Monday in August and December, all process being made to conform to that change in date.
20. Acts of 1885 (Ex. Sess.), Chapter 20, in a complete revision of the State's lower judicial system divided Tennessee into fourteen regular and one special, judicial circuits. The Second Judicial Circuit was composed of the counties of Claiborne, Campbell, Grainger, Union, Hamblen,

Jefferson, Cocke, Anderson, and Sevier. Jefferson County's Court would meet on the second Monday in April, August, and December.

21. Acts of 1891, Chapter 152, established a Common Law Court at New Market for the Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, and Fifteenth Civil Districts of Jefferson County which would be one of the courts of the Second Judicial Circuit.
22. Acts of 1899, Chapter 427, in the next major changes in the lower court system formed fourteen Judicial Circuits in Tennessee, assigning the Counties of Jefferson, Sevier, Grainger, Cocke, Hamblen, Morgan, Scott, Campbell, Anderson, Union, and Fentress to the Second Judicial Circuit. Jefferson County's Circuit Court would meet at Dandridge on the first Monday in January, May, and September, and at New Market on the second Monday in January, May, and September, and at New Market on the second Monday in same months.
23. Private Acts of 1903, Chapter 227, amended Acts of 1899, Chapter 427, above, to reset the terms of the Circuit Courts in some counties of the Second Judicial Circuit. The Court in Jefferson County, (presumably at Dandridge since nothing was said about the Court at New Market) would meet on the second Monday in March, July, and November.
24. Private Acts of 1905, Chapter 59, repealed the second Section of Private Acts of 1903, Chapter 227, above, which Section required that the Chancellor of the Chancery Division hold the Circuit Court terms in Fentress County. No other county was affected.
25. Private Acts of 1905, Chapter 477, rearranged the circuit court schedules for the counties of Hamblen, Cocke, Anderson, Campbell, Sevier, Grainger, Union, Morgan, Fentress, Scott, and Jefferson whose court would begin on the first Monday in February, June, and October.
26. Private Acts of 1907, Chapter 205, reset the terms of the Circuit Courts in the Second Judicial Circuit changing Jefferson County to the second Monday in February, June, and October.
27. Public Acts of 1913, Chapter 13, changed the opening dates of the terms of the Circuit Court in Jefferson County to the fourth Monday in March, July, and November.
28. Private Acts of 1917, Chapter 734, changed the terms of the Circuit Court in Jefferson County to begin on the third Monday in March, July, and November. All bonds and process would be made to conform to the above change.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, said that the Second Judicial Circuit would be made up of the counties of Cocke, Union, Sevier, Jefferson, Grainger, and Hancock. Court terms would start in Jefferson County on the third Monday in March, July, and November.
30. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act of this description appearing in the volumes of Private Acts, all future changes in this area would take the form of Public Acts amending the State Code. Twenty Judicial Circuits were outlined across the State of which the counties of Cocke, Union, Sevier, Grainger, Hancock, and Jefferson constituted the Second Circuit. Court terms would commence in Jefferson county on the third Monday in March, July, and November.
31. Public Acts of 1951, Chapter 17, rescheduled the opening dates for the terms of the Circuit Court in the counties of the Second Judicial Circuit listing Cocke, Union, Sevier, Grainger, Hancock, and Jefferson where the Circuit Court would commence on the fourth Monday in March, July, and November.
32. Public Acts of 1955, Chapter 19, altered the court terms for some of the counties in the Second Judicial Circuit but did not affect Jefferson County.
33. Public Acts of 1959, Chapter 99, also changed the terms of the Circuit Courts in the counties of Cocke, Union, Sevier, Hancock, Grainger, and Jefferson whose circuit court terms would hereafter start on the third Monday in March, July, and November, which are still in effect.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Jefferson 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. Acts of 1903, Chapter 255, set the annual salary of the Circuit Court Clerks across the State according to the population class of the county in which they served. The Clerks must file an annual sworn and itemized statement with the County Judge, or Chairman, showing all the fees collected in the office. If the fees were less than the salary, the County was obligated to pay the difference, but if the fees exceeded the salary, the Clerk was allowed to retain the excess.

2. Private Acts of 1919, Chapter 152, fixed the salary of the Circuit Court Clerk of Jefferson County, (identified by the 1910 Federal Census figures) at \$1,080 annually, provided the Clerks would file on January 1 and July 1 a sworn, itemized statement with the County Judge, showing the total amount of fees collected in the office. If the fees were less than the salary, the County would furnish the difference, but if the fees exceeded the salary, the excess must be paid over to the Trustee.
3. Private Acts of 1925, Chapter 30, set the annual salary of the Circuit Court Clerk in Jefferson County at \$1,080, which would be in addition to all the fees collected in the office which the Clerk was permitted to keep as his own. This Act was repealed by the one following.
4. Private Acts of 1947, Chapter 350, provided that the Clerk of the Circuit Court in Jefferson County would be paid \$1,800 each year in equal monthly installments on the first day of each month on the warrant of the County Judge, or Chairman. The Clerk was further entitled to retain as compensation all the fees collected in the office. The Act expressly repealed Private Acts of 1925, Chapter 30.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Jefferson 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. Acts of 1796, Chapter 8, provided for the appointment of three Attorney-Generals, one to serve in each of the Washington District, the Hamilton District, and the Mero District, whose duty it would be to prosecute all offenses in the name of the State, or to which the State was a party. The Attorney-General must attend all sessions of the Court and would be paid \$40 for each session, regardless of any other fees he might receive.
2. Acts of 1817, Chapter 65, Section 3, set up ten Solicitorial Districts in Tennessee. The Third Solicitorial District included the Counties of Cocke, Jefferson, Sevier, and Blount.
3. Acts of 1835-36, Chapter 28, in its implementation of the new State Constitution made each Solicitorial District to coincide with each Judicial Circuit in the State which had criminal jurisdiction.
4. Public Acts of 1931, Chapter 64, created the position of Assistant Attorney-General for the Second Judicial Circuit to which Jefferson County was assigned at the time.
5. Public Acts of 1939, Chapter 65, established a position of Criminal Investigator for the Second Judicial Circuit to which Jefferson County belonged, prescribed the duties, and set the compensation for whoever might fill the job. One of the qualifications was that the Criminal Investigator be a practicing attorney.
6. Public Acts of 1976, Chapter 611, amended Chapter 65, Public Acts of 1939, Item 5, above, so as to remove the qualification that the Criminal Investigator be a practicing attorney.
7. Public Acts of 1984, Chapter 931, T.C.A. 16-2-506, provided for the redistricting of the state trial court system into judicial districts which consolidated the Circuit Court judicial circuits and the Chancery Court chancery divisions, established concurrent jurisdiction for trial court judges, created new trial court judgeships in several districts, created new positions for assistant district attorneys in several districts, and maintained all existing court clerk offices.

General Sessions Court

The following acts once affected the general sessions court of Jefferson County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1955, Chapter 235, created a General Sessions Court in Jefferson County for which accommodations and equipment would be furnished at the Court House in Dandridge by the County. The Court was given all the jurisdiction of the Justices of the Peace from whom the same was divested at the time the Judge of this Court was elected and assumed office. A cost bond of \$25 was required prior to the institution of a suit in the Court. The Court, which could be held in other parts of the County, also, would be open from 9:00 a.m. to 5:00 p.m. every day except on Sundays and holidays. The Judge would be sworn, commissioned, and bonded at \$5,000 and receive an annual salary of \$3,600, payable monthly. The first special election for the Judge would be to hold to August, 1956, when the term would endure until 1958, whereupon the Judge would then be selected for a full eight year term. The Judge could appoint a Secretary at a salary not to exceed \$900 per annum who would also be bonded for \$2,000. The Sheriff was directed to wait

upon the Court and serve its process. Some rules of procedure were contained in the Act. This Act was rejected by the Quarterly Court and never took effect due to the provisions of the Home Rule Amendment to the State Constitution.

2. Private Acts of 1959, Chapter 68, established the General Sessions Court of Jefferson County.
3. Private Acts of 1961, Chapter 247, amended Private Acts of 1959, Chapter 68, by rewriting Section 3 to vest the General Sessions Court with the authority conferred upon the Chairman of the County court by the General Assembly in matters of probate, guardianship, insanity, workmen's compensation, and juvenile cases but the act was not to be construed to divest the Chairman of any authority as Financial Agent of the County or as the presiding member of the Quarterly Court.
4. Private Acts of 1965, Chapter 183, amended Private Acts of 1959, Chapter 68, Section 9, by rewriting that Section to declare that the Judge of the General Sessions Court need not be learned in the law or authorized to practice in the Courts of Tennessee. His compensation would be the same as other Judges in the fifth population classification, payable monthly. The Judge would be bonded for \$5,000 for which the County would pay the premium.
5. Private Acts of 1969, Chapter 115, amended Private Acts of 1959, Chapter 68, in Section 2, by removing the authority of the Justice of the Peace to issue criminal and civil warrants returnable to the General Sessions Court.

Juvenile Court

The following acts once affecting juvenile courts in Jefferson County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1981, Chapter 120, T.C.A. 37-1-102(4)(A)(ii) lowered the age from 21 to 19 years in the definition of a child under juvenile court jurisdiction.
2. Public Acts of 1982, Chapter 882, established time limits for the detention of an unruly child, T.C.A. 37-1-114, and considerations for the disposition of an unruly child, T.C.A. 37-1-132.
3. Public Acts of 1983, Chapter 88, T.C.A. 37-1-107, makes the recommendation of a Juvenile Court Referee the decree of the Court pending rehearing unless the Judge orders otherwise.
4. Public Acts of 1983, Chapter 387, T.C.A. 37-1-505, provides that the county shall pay the expenses of a Juvenile Judge attending training sessions if the State does not pay.
5. Public Acts of 1983, Chapter 408, T.C.A. 37-1-116, provides that after January 1, 1985 no juvenile may be detained or placed in a facility for detention of adults, except in certain circumstances.
6. Public Acts of 1983, Chapter 453, T.C.A. 37-1-104, grants concurrent jurisdiction to Juvenile Courts to order support for minor children. This chapter does not authorize a juvenile court to assume jurisdiction if another court with concurrent jurisdiction has assumed jurisdiction for the purpose of ordering such support.

Secretarial Assistance

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

1. Private Acts of 1929, Chapter 778, authorized the Chancellor of the First Chancery Division to employ a Secretary whose salary would be paid by Washington County out of that County's general funds.

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