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## Chapter V - Court System

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

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<b>Chapter V - Court System .....</b>	<b>. 3</b>
<b>General Sessions Court .....</b>	<b>. 3</b>
<b>Private Acts of 1947 Chapter 769 .....</b>	<b>. 3</b>
<b>Private Acts of 1974 Chapter 232 .....</b>	<b>. 6</b>
<b>Juvenile Jurisdiction .....</b>	<b>. 6</b>
<b>Private Acts of 1967-68 Chapter 133 .....</b>	<b>. 6</b>
<b>Court System - Historical Notes .....</b>	<b>. 7</b>

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1947 Chapter 769

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

Campbell County shall provide court rooms, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County. One of said rooms shall be located at Jacksboro, Tennessee, the others in LaFollette and Jellico.

**SEC. 2.** That said Court of General Sessions is on and after September 1, 1948, 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; and the Justices of the Peace of Campbell County are on and after September 1, 1948, hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in nowise affected by this Act.

Provided that the Justices of the Peace of Campbell County, Tennessee, shall have the right and power, and it is declared their duty, to issue criminal and civil warrants, attachments, writs of replevin and all other processes over which they have jurisdiction under the general laws of the State of Tennessee, but return of all said writs and processes shall be made by the Sheriff or Constable serving the same to the General Sessions Judge, who shall have exclusive jurisdiction to try the issues raised in all such cases. Said Justices of the Peace shall have the power and authority, and it declared their duty, to issue mittimus to the county jail and to approve appearance bonds in any proper case wherein he issued the criminal warrant. The compensation for services of the Justices of the Peace shall inure to them and shall be the same as provided by the general law pertaining to fees for Justices of the Peace.

As amended by: Private Acts of 1949, Chapter 381

**SEC. 3.** That said Court shall sit at Jacksboro at least one day each week, at LaFollette at least one day each week, and at Jellico at least one day each week. One of the Deputy Clerks for said Court shall reside and be available at LaFollette, and one of the Deputy Clerks for said Court shall reside and be available at Jellico, for the performance of the duties of the Court.

**SEC. 4.** That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

**SEC. 5.** That the jurisdiction of said Court shall be co-extensive within the boundaries of Campbell County, Tennessee, and the said Judge shall have power and authority to hear and try all cases over which he has jurisdiction at any courtroom established therefor, or at such other place or places in Campbell County as he may determine to be more feasible and convenient for the parties.

**SEC. 6.** That before the issuance of any warrant in a civil case, the plaintiff shall execute a cost bond with good security in the sum of \$25.00, or in lieu thereof, make a cash deposit with the Judge or Clerk of not less than \$2.50, or more than \$25.00, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

**SEC. 7.** That the rules of pleadings and practice, form of writs and process, stay of judgments, and appeals in civil cases of said Court shall be the same as of Justices of the Peace.

**SEC. 8.** That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerks of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk, or to some one of his Deputy Clerks, and by him and his Deputies accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, and fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens, and other officers, for services in said Court shall be accounted for and disbursed as required by law.

**SEC. 9.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

**SEC. 10.** That there shall be one Judge of said Court, who shall be a resident and a citizen of Campbell County, Tennessee, and who shall be a lawyer duly licensed to practice law in all the Courts of Tennessee, and who shall otherwise have the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts, who shall before entering upon his duties as such take and subscribe an oath of office similar to that prescribed for Circuit Judges and Chancellors; and who shall also before entering upon his duties execute an official bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

Nothing in this Act shall prohibit the person elected to said Judgeship from appearing as counsel or attorney in any of the Courts of this State, or otherwise engaging in the practice of law; except that he shall not practice in the Court of General Sessions of Campbell County, or the Circuit and Criminal Courts of Campbell County, and neither shall he appear as counsel or attorney in the Chancery Court of Campbell County in any case or proceeding in which said Court of General Sessions of Campbell County has concurrent jurisdiction with said Chancery Court.

As amended by: Private Acts of 1967-68, Chapter 213  
Private Acts of 1970, Chapter 230

**SEC. 11.** That due to the large increase in number of cases to be tried and increase in other work to be performed by the Judge of said Court since September 1, 1950, brought about by changed conditions since said date, and further brought about by virtue of the jurisdiction of said Court having been enlarged by virtue of the enactment into law of Chapter 39 of the Public Acts of Tennessee for the year 1953, the salary or compensation for said Judge shall be and the same is now fixed at the sum of \$5,000.00 per annum, payable in equal monthly installments on the first of each month out of the ordinary funds of the County.

As amended by: Private Acts of 1949, Chapter 381  
Private Acts of 1951, Chapter 624  
Private Acts of 1955, Chapter 229

**SEC. 12.** That the first Judge of said Court of General Sessions shall be elected in the General Election to be held in Campbell County, Tennessee on the first Thursday in August, 1948, and the term of office of such Judge so elected shall be computed from the first day of September, 1948, and shall hold said office until the first day of September, 1950, or until his successor is elected and qualified.

His successors shall be elected every eight years at such election for the term provided by law for Judges of inferior Courts.

In case of a vacancy in said office of Judge of said General Sessions Court for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until the next general County election, when a Judge shall be elected by the people for the unexpired term of office.

**SEC. 13.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold said Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion.

**SEC. 14.** That the Clerk of the Circuit Court of Campbell County, Tennessee shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Campbell County". Such Clerk is authorized and required to designate to serve at his pleasure one Deputy Clerk, who shall reside and be available at LaFollette, Tennessee, and one Deputy Clerk who shall reside and be available at Jellico, Tennessee, for the performance of the duties of said Court of General Sessions, and the authority of said Deputy Clerks at LaFollette and Jellico is restricted to that of Deputy Clerks of said Court of General Sessions.

The Circuit Court Clerk of said county is authorized and empowered to designate, nominate and appoint an additional deputy to serve at the pleasure of the Circuit Court Clerk as a deputy clerk of the General Sessions Court, who shall maintain his office in Jacksboro, Tennessee, and devote his full time and attention to the office of deputy General Session Court Clerk, he having the duties and powers herein vested in the other deputy clerks herein provided. Said Deputy Clerk shall be entitled to be paid and shall

receive a salary of \$250.00 per month of service, which sum shall be paid monthly out of the General Funds of said county upon warrant of the County Judge.

As amended by: Private Acts of 1949, Chapter 381  
Private Acts of 1963, Chapter 48

Said Clerk and his said Deputy Clerks are hereby authorized to perform the duties of said Court of General Sessions; except the Clerk and his Deputy Clerks shall not hear and determine cases. The Clerk and his Deputy Clerks shall not have authority to issue any writ or other process which under the Constitution and laws are restricted to issuance only by the Judge of said Court.

For his or her additional duties and service as Clerk of said Court of General Sessions, such Clerk shall receive as compensation the sum of Twelve Hundred (\$1,200.00) Dollars per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County. Said Deputy Clerk at LaFollette shall receive as compensation for his or her services the sum of Twelve Hundred (\$1,200.00) Dollars per annum; and said Deputy Clerk at Jellico shall receive as compensation for his or her services the sum of Fifteen Hundred Dollars (\$1,500.00) per annum; said compensation to each of said Deputy Clerks payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County.

As amended by: Private Acts of 1951, Chapter 624  
Private Acts of 1963, Chapter 49

Said Clerk and Deputy Clerks shall perform all duties required of them by the Court of General Sessions, and shall receive, safely keep and account for all funds received by said Court, and shall pay over to Campbell County quarterly all fees, commissions, and emoluments of said Court.

The Clerk and Deputy Clerks of said Court shall have concurrent jurisdiction and authority with the Judge of said Court in the filing of all papers, pauper oaths, appeal bonds, etc., and in the issuance of all processes required to be issued from said Court, except such processes as under the Constitution and laws can only be issued by the Judge.

**SEC. 15.** That before entering upon their duties, said Clerk of said Court and his Deputy Clerks shall each subscribe an oath for the faithful performance of their duties, and each shall execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his or her hands and for the faithful performance of his or her duties.

**SEC. 16.** The Sheriff of Campbell County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court, or issued by the Clerk or any Deputy Clerk thereof, with the same authority as provided by law in the other inferior Courts.

**SEC. 17.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Campbell County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when the Justices of the Peace of Campbell County, Tennessee, are divested of their jurisdiction and authority to hear and determine civil and criminal cases on and after September 1, 1948, as provided in this Act.

**SEC. 18.** That said Court of General Sessions of Campbell County, Tennessee, shall have jurisdiction and authority to hear and determine all undisposed of cases on and after September 1, 1948, arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions and other necessary writs and orders on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgments.

**SEC. 19.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace at the close of business on the last day of August, 1948, shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to Campbell County as provided by law.

**SEC. 20.** 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 affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SEC. 21.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1947.

## Private Acts of 1974 Chapter 232

**COMPILER'S NOTE:** For the current minimum compensation for General Sessions Judges, see Tennessee Code Annotated §16-15-5003.

**SECTION 1.** Chapter 769 of the Private Acts of 1947, as amended by Chapter 381 of the Private Acts of 1949, Chapter 624 of the Private Acts of 1951, Chapter 229 of the Private Acts of 1955, Chapter 188 of the Private Acts of 1959, Chapter 48 and 49 of the Private Acts of 1963, Chapters 133 and 213 of the Private Acts of 1967 and Chapter 230 of the Private Acts of 1970, is hereby amended to provide that the total pay of the General Sessions Judge for Campbell County, Tennessee, including his Domestic Relations and Juvenile duties, shall be eighteen thousand five hundred dollars (\$18,500.00) per year, plus travel allowance as now provided by law.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-third ( $\frac{2}{3}$ ) vote of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act as provided in Section 2 it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1974.

Passed: March 12, 1974.

## Juvenile Jurisdiction

### Private Acts of 1967-68 Chapter 133

**SECTION 1.** The General Sessions Court for Campbell County shall be the Juvenile Court for Campbell County and shall have jurisdiction in all juvenile cases and proceedings and all powers, authority, and duties in regard thereto as set forth in Sections 37-101 through 37-108 [These sections of the code have been repealed], 37-242 through 37-274 [These sections of the code have been repealed], Tennessee Code Annotated, and all other general laws relating to the jurisdiction, authority, conduct, procedure, powers, duties, and (appellate review) of Juvenile Courts.

The County Judge and chairman of the county court of Campbell County is hereby divested of all jurisdiction and authority in all juvenile cases and proceedings except that he shall have concurrent jurisdiction and authority with the General Sessions Court respecting the property and estates of juveniles.

**SECTION 2.** The General Sessions Court for Campbell County shall have concurrent jurisdiction, power and authority with the Chancery and Circuit Courts to hear and determine all cases of divorce, annulment, alimony and separate maintenance, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees and judgments.

Appeals from the judgment of the General Sessions Court arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All cases brought in the General Sessions Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the General Sessions Court shall keep a docket of cases filed in the General Sessions Court, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts. The judge of the General Sessions Court shall make and cause to be entered on record all such orders and decrees as may be passed by him, according to the practice and rules now obtaining in the Chancery and Circuit Courts in order to effect and complete the jurisdiction herein conferred.

**SECTION 3.** The General Sessions Court for Campbell County shall have the power and authority to empanel juries to try cases, the same as the Circuit and Chancery Courts now have, in all cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

**SECTION 4.** The General Sessions Court shall have authority to hear and determine all undisposed cases over which jurisdiction is conferred by this act and which are pending in the county court of Campbell County at the time this act takes effect as if such cases had originated in the General Sessions Court.

**SECTION 5.** The General Sessions Court judge shall receive compensation of Three Thousand Dollars

(\$3,000.00) per year payable in equal monthly installments in addition to the compensation provided by Chapter 769 of the Private Acts of 1947, as amended, for his additional duties and services conferred upon him by this act.

**COMPILER'S NOTE:** The minimum compensation for General Sessions judges and the minimum compensation for judges that have additional jurisdictions is provided in Tennessee Code Annotated § 16-15-5003.

**SECTION 6.** If any provision of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county quarterly court of Campbell County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 8.** This act shall take effect upon becoming a law, the public welfare requiring it, but the provisions herein shall not become operative until approved as provided by Section 7.

Passed: May 4, 1967.

## Court System - Historical Notes

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

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

1. Private Acts of 1911, Chapter 74, amended Acts of 1903, Chapter 552, by making the terms and provisions of that act applicable to Campbell County by using the 1910 Federal Census figures. The 1903 Act created a board of jury commissioners for Cocke County, all the specifications of which were extended into Campbell County except that the board would consist of three discreet members in Campbell County, and their appointments would be made by the quarterly county court at its April term. The provisions of the 1903 Act were very similar to the current state act on this subject.
2. Private Acts of 1915, Chapter 415, amended Acts of 1903, Chapter 552, as it was amended, in Section 8, by adding the general language "if it becomes necessary to have additional jurors whose names haven't been taken from the box, or an additional panel from which to select a jury for a pending case, the presiding judge may, in his discretion, select from citizens of the county, or direct the sheriff to summon persons to make up the jury in accordance with the general law."
3. Private Acts of 1915, Chapter 659, amended Private Acts of 1911, Chapter 74, Item 1, above, by striking "April" and inserting "May" so that the appointment of the members of the board of jury commissioners by the county court would take place in May instead of at the April term as provided previously.
4. Private Acts of 1947, Chapter 545, stated that the compensation of jurors in Campbell County, using the 1940 Federal Census figures, shall be, and is, fixed at \$4.00 per day for each day's attendance as a juror. This act was repealed in the caption of Private Acts of 1957, Chapter 130, which was properly ratified, but no mention is made of the repeal in the body of the act.
5. Private Acts of 1955, Chapter 228, amended Private Acts of 1947, Chapter 545, above, by increasing the daily compensation of jurors in Campbell County from \$4.00 to \$9.00 a day. This act was rejected by the quarterly county court of Campbell County and therefore never became a law.
6. Private Acts of 1957, Chapter 130, provided that those people in Campbell County serving on both grand and petit juries shall receive \$6.00 per day as compensation for their services, the foreman of the grand jury would be paid \$10.00 per day. This act was properly ratified by the quarterly court.
7. Private Acts of 1970, Chapter 301, set the compensation of the officer in attendance upon grand and petit juries to \$10.00 for each day's attendance.
8. Private Acts of 1972, Chapter 238, repealed Private Acts of 1947, Chapter 545, and Private Acts of 1970, Chapter 301. This act also set the compensation of jurors at \$15 per day for each day's

attendance as a juror, and this provision also included all juries which may have been summoned as a special panel to hear cases in chancery court. Our information is that this act was not acted on prior to the publication of the printed volume of private acts which was confirmed by contact with the circuit court clerk's office.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Campbell 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 1824, Second Session, Chapter 14, added two justices to the supreme court of Tennessee which would hold its meetings thereafter at Knoxville, Sparta, and Nashville. The court judges must arrange among themselves to have chancery court twice a year in every district. This court of equity would convene in Kingston for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount counties on the first Monday in June and December to remain in session for two weeks, or longer, to conclude its docket.
2. Public Acts of 1827, Chapter 79, divided the state into two chancery divisions. The first division was made up of those courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville.
3. Public Acts of 1827, Chapter 88, provided that the chancellors would hold the court at Kingston on the first Monday in June and December for the counties of Knox, Blount, Anderson, Rhea, Morgan, Roane, Hamilton, Campbell, McMinn, and Monroe.
4. Public Acts of 1829-30, Chapter 27, stated that the chancery court at Kingston would thereafter be held on the fourth Monday of November and May.
5. Private Acts of 1831, Chapter 217, provided for the chancellor of the eastern chancery division to hold the chancery court at Knoxville for the counties of Campbell, Anderson, Knox, and Sevier. He would appoint a clerk for this court whose duty it would be to receive all the causes filed in other courts to transfer them to this court.
6. Public Acts of 1832, Chapter 19, stated that the district chancery court for Kingston will be held on the second Monday in June and December.
7. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions which were then divided into smaller districts, which courts would be held by chancellors who would be appointed for each of the three divisions. Grainger, Claiborne, and Campbell counties were in the fourth district of the eastern division whose court would convene at Tazewell on the fourth Monday of February and September.
8. Acts of 1841-42, Chapter 74, repealed so much of the 1835 Act, above, which placed Campbell County in the fourth district of the eastern division and made Campbell County a separate chancery district alone. The chancellor of the eastern division would hold the court on the fourth Monday of June and December each year at Jacksboro.
9. Acts of 1849-50, Chapter 213, Section 2, abolished the chancery court established at Jacksboro in Campbell County and repealed Acts of 1841-42, Chapter 74 Item 9, above, which created it. Citizens of Campbell County, were authorized to file their chancery bills in Knoxville, or in Tazewell. The clerk and master was required to transfer the records in all the causes to one of those two courts as the parties may agree.
10. Acts of 1851-52, Chapter 306, reestablished the chancery court at Jacksboro, and attached Anderson and Scott counties to it to join Campbell. All suits pending in those three counties will be transferred by the clerks and masters to Jacksboro on or before the fourth Monday in June next. If the litigants should so desire, the court at Jacksboro would begin on the fourth Monday in June and December of each year.
11. Public Acts of 1857-58, Chapter 27, Section 4, required that all cases in chancery which were pending in Jamestown, Montgomery, and Jacksboro, wherein the subject matter was real estate located in Scott County, or where the defendant, or any of them, lived in Scott County, the cause, and all the records, will be transferred by the clerks and masters of the above named courts to the clerk and master at Huntsville, in Scott County, there to be tried and determined.
12. Public Acts of 1857-58, Chapter 88, divided the state into the eastern, middle, fourth, fifth, and sixth chancery divisions. Campbell County was in the eastern division with court scheduled to begin on the fourth Monday in June and December at Jacksboro.
13. Public Acts of 1865-66, Chapter 41, attached Campbell County to the eighth chancery district



changing court terms in Roane, Blount, Union, and Campbell counties whose court at Jacksboro would begin on the fourth Monday in April and October.

14. Public Acts of 1866-67, Chapter 33, Section 8 reset the terms of the chancery court in Roane County and in Campbell County which went to the third Monday in April and October instead of the fourth.
15. Public Acts of 1870, Chapter 32, reorganized the lower court system of Tennessee into twelve chancery districts. The second chancery district was made up of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana counties, if it were established.
16. Public Acts of 1870, Chapter 47, set the terms of the chancery court for every county in the state. Campbell County's Court would commence on the third Monday in April and October.
17. Acts of 1872, Extra Session, Chapter 15, Section 4, changed the beginning dates for the chancery courts in the second division switching Campbell County to the third Monday in June and December.
18. Acts of 1885, Extra Session, Chapter 20, was the next act which restructured the lower court system of the state. Of the eleven chancery divisions created by this act, the second was made up of Knox, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, Scott, and Campbell counties whose court would start on the first Monday in May and November. This act was the subject of the litigation in *Flynn v. State*, 203 Tennessee 341, 313 S.W.2d 249 (1958).
19. Public Acts of 1887, Chapter 92, changed the times for holding the chancery courts in the second chancery division. The chancery court of Campbell County was set to the first Mondays in May and November.
20. Public Acts of 1899, Chapter 212, abolished the second chancery division of the state which would take effect forty days after adjournment of the general assembly.
21. Public Acts of 1899, Chapter 214, stated that in order to distribute equity responsibility more justly, Sevier, Blount, and Loudon counties were added to the first chancery division, and Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott were added to the twelfth chancery division. Court would begin in Campbell on the third Monday in May and November.
22. Public Acts of 1899, Chapter 427, reorganized the entire lower court system again as new counties were created and litigation grew. There were ten chancery divisions. The second was composed of the counties of Sevier, Blount, Loudon, Anderson, Roane, Morgan, Scott, Union, Fentress, Jefferson, and Campbell whose courts would begin on the fourth Monday in January and July. See *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
23. Private Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427, above, by rearranging the first and second chancery divisions. The second division consisted of Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Anderson, Roane, Loudon, Scott, and Campbell counties. The chancery court of Campbell County was set to the third Monday in May and November.
24. Private Acts of 1911, Chapter 397, amended Section 2, Private Acts of 1901, Chapter 438, by changing the time for holding the chancery court in Roane and Campbell County which would begin on the second, instead of the third, Monday in May and November.
25. Private Acts of 1927, Chapter 344, changed the court terms of the chancery court in Campbell County so that the said court would begin on the third Monday in May and November each year, instead of the second, and all conflicts are repealed.
26. Public Acts of 1931, Second Extra Session, Chapter 38, created fourteen chancery divisions for the State of Tennessee. The second division was made up of the counties of Loudon, Hawkins, Claiborne, Hancock, Anderson, Roane, Scott and Campbell. Court terms in Campbell County would continue to start on the third Monday 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 Campbell County.

1. Private Acts of 1915, Chapter 163, stated that all women over 21 years of age and residents of the county appointing them, shall be eligible in Morgan, Haywood, and Campbell counties, to be appointed as deputy clerks and masters and to serve as such with all the rights, powers, obligations, and liabilities as other deputy clerks and masters.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Campbell 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. Acts of 1809, Second Session, Chapter 49, divided Tennessee into five judicial circuits with the provisions that the circuit courts would be held twice a year. The first circuit contained the counties of Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne, and Campbell, whose terms of court would begin at Jacksboro on the fourth Monday in April and October. The jurisdiction of the circuit courts was defined and provisions were made for the judges to be appointed by joint ballot of both houses of the general assembly, and to be commissioned by the governor. The judges would appoint the clerks of the court, the court of pleas, and quarter sessions would summon 39 jurors for it, and the solicitor generals would be appointed by the general assembly.
2. Public Acts of 1835-36, Chapter 5, stated that the circuit court would hereafter be held three times a year and divided the state into eleven judicial circuits. The second judicial circuit was composed of the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Morgan, and Campbell counties, where the court would commence on the fourth Monday in February, June, and October.
3. Acts of 1837-38, Chapter 3, divided the state into fourteen judicial circuits. The twelfth judicial circuit was made up of Cocke, Sevier, Jefferson, Grainger, Claiborne, and Campbell counties. Circuit court terms in Campbell would begin on the fourth Monday in May, September, and January.
4. Acts of 1837-38, Chapter 116, Section 8, rescheduled the terms of the circuit courts in the twelfth judicial circuit. Campbell County changed to the first Monday in January, May, and September.
5. Acts of 1847-48, Chapter 132, Section 5, rearranged the dates for the terms of the circuit court in Claiborne and Campbell counties in order to give the court two weeks instead of one. Campbell would start the circuit court terms in Jacksboro on the third Monday in January, May and September.
6. Acts of 1851-52, Chapter 73, provided that all suits at law pending in the circuit court of Campbell County between citizens of Scott County would all be transferred to the circuit court of Scott County. The clerks of the respective courts would see that all the records were properly transferred.
7. Acts of 1851-52, Chapter 167, Section 5, provided that, after the next May term of the circuit court in Campbell County, the regular terms would begin on the first Monday in January, May, and September.
8. Public Acts of 1857-58, Chapter 98, created sixteen judicial circuits in the State of Tennessee. Claiborne, Union, Grainger, Sevier, Cocke, Jefferson, and Campbell counties were all in the second judicial circuit. The circuit court in Campbell County would begin on the Monday after the fourth Monday of April, August, and December.
9. Private Acts of 1865-66, Chapter 129, Section 3, stated that the circuit court for Campbell County at Jacksboro would hereafter be held on the third Monday of April, August, and December but the next term of the court would begin on the days constituted.
10. Public Acts of 1865-66, Chapter 8, created a new seventeenth judicial circuit with Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland counties in it. Former judges would continue to hold the courts until a new judge could be appointed for the circuit. The court for Campbell County would be on the first Monday in January, May, and September.
11. Public Acts of 1869-70, Chapter 25, repealed Public Acts of 1865-66, Chapter 8, which created a new seventeenth judicial circuit. Each county in that circuit would be returned to the circuit from which it was taken before that law was passed. See McCulley v. State, 102 Tenn. 555, 53 S.W. 145 (1899).
12. Public Acts of 1870, Chapter 31, reorganized the lower court system of the state into fifteen regular, and one special, judicial circuits. The second circuit was composed of the counties of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Claiborne, Campbell, and Hamblen, if it were established.
13. Public Acts of 1870, Chapter 46, scheduled the days for the start of the terms of the circuit court for every county in the state. Campbell County would begin at Jacksboro on the third Monday in January, May, and September.
14. Public Acts of 1873, Chapter 22, created the sixteenth judicial circuit, composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The judge, and the district attorney, for the new circuit would both be appointed by the governor. Campbell County

would begin the terms of her circuit court on the third Monday in March, July, and November, at Jacksboro. All bonds and process would be made to conform to the terms of this act.

15. Acts of 1885, Extra Session, Chapter 20, reorganized the lower judicial system into fourteen regular, and special, judicial circuits. Campbell County, whose court would be held on the third Monday in February, June, and October, was in the second judicial circuit with the counties of Claiborne, Union, Grainger, Hamblen, Jefferson, Cocke, Anderson, and Sevier. This act was considered by the courts in the case of Flynn v. State, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
16. Public Acts of 1891, Chapter 5, amended Acts of 1885, Extra Session, Chapter 20, so as to change the court terms for the circuit courts of Anderson and Campbell County, the latter being assigned to the second Monday in February, June, and October. All process would be changed accordingly.
17. Public Acts of 1899, Chapter 427, concerned all the lower courts in the state, dividing Tennessee into fourteen judicial circuits. The second circuit included Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union, and Fentress. Court terms would begin in Campbell County on the second Monday in March, July, and November.
18. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, by changing the times for holding court in Campbell County of the second judicial circuit to the third Monday in February, June, and October.
19. Acts of 1905, Chapter 477, changed the terms of the circuit court in all the counties of the second judicial circuit. Campbell County would start circuit court terms on the first Monday in March, July, and November.
20. Acts of 1907, Chapter 205, changed the starting dates again for the terms of the circuit courts in the Second judicial circuit. Campbell would start the circuit court terms on the second Monday in April, August, and December.
21. Public Acts of 1931, Second Extra Session, Chapter 18, corrected some errors which appeared in the 1932 Code. It appeared in the code that Anderson, Scott, Morgan, and Campbell counties were a part of the second judicial circuit, when they each belonged to the nineteenth judicial circuit. Hancock County was listed in the sixteenth circuit when it should have been in the second.
22. Public Acts of 1931, Second Extra Session, Chapter 38, created twenty judicial circuits of which the nineteenth judicial circuit was made up of Fentress, Anderson, Campbell, Scott, Morgan, and Claiborne counties. Circuit Court commenced at Jacksboro on the second Monday in February, June, and October.

#### **Circuit Court Clerk**

The following acts have no current effect, but once applied to the Campbell 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 1826, Chapter 49, authorized David Richardson, the circuit court clerk of Campbell County, to build a clerk's office, at his own expense, upon such part of the public square in Jacksboro as shall be designated by the county court. Upon his resignation, removal, or death, the office may be disposed of and will not be considered as a part of county property.
2. Private Acts of 1829-30, Chapter 90, authorized Joseph Peterson, who was the circuit court clerk of Campbell County, to build a clerk's office at his own expense on such part of the public square in Jacksboro as may be set aside by the court of pleas and quarter sessions, and, upon his resignation, removal, or death, his representative may dispose of this property on a fair evaluation by disinterested appraisers.
3. Acts of 1903, Chapter 255, established the salaries of the circuit court clerks in the various counties according to the population of the county. The circuit court clerks of Campbell County received \$750.00 per annum, provided the clerks filed a sworn, itemized statement with the county judge, or chairman, showing the total amount of fees collected by the office.
4. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, above, by inserting a proviso with the population figures 25,000 to 30,000 which would include Campbell County, and which county already has a law court established where a separate office is required for the law court and is kept by the circuit court clerk, then the salary of the clerk shall be \$1,500 a year.
5. Private Acts of 1915, Chapter 569, authorized the criminal and law court clerks to employ a deputy clerk to assist in the transaction of the business of said office at a salary not to exceed \$50 per month.
6. Private Acts of 1919, Chapter 273, amends the above act, Private Acts of 1915, Chapter 569, by

striking "Deputy Criminal and Law Court Clerk," and inserting "Deputy Circuit Court Clerk," thus creating the position of deputy circuit court clerk who could be hired at the same salary as prescribed in the above act.

7. Private Acts of 1921, Chapter 31, also created the office of deputy circuit court clerk and authorized the circuit court clerk to appoint someone to the job at a salary of \$50 per month which would be paid out of the trustee's office to the circuit court clerk who would make the settlement with the deputy.
8. Private Acts of 1925, Chapter 667, provided that, in Obion and Campbell counties, the circuit court clerk would be the secretary of the workhouse commission and have all the powers of the county judge in the collection and settlement of fines and costs, and in the management of convicts in the workhouse. All collections and all decisions made on these matters would be reported to the county judge. All conflicting acts were repealed.

### **Criminal Court**

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

1. Acts of 1905, Chapter 359, created a criminal court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union counties to be known as the criminal court for the second judicial circuit. The court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a judge, clerk, and attorney general. This court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the circuit court wherein it was exercised before the passage of this act.
2. Public Acts of 1913, Chapter 13, created a criminal and law court for Hancock, Claiborne, Campbell, Morgan, Scott, and Anderson counties, and fixed the time for holding the said court in each county. The act stated a judge would be appointed to hold until September 1, 1914, when a popularly elected judge would take over. Hancock and Claiborne were taken from the first judicial circuit, and Campbell, Scott, Morgan and Anderson were taken from the second judicial circuit. This act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87.
3. Private Acts of 1917, Chapter 768, amended Public Acts of 1913, Chapter 13, above, as it was previously amended, by making those counties named therein the nineteenth judicial circuit, criminal division.
4. Public Acts of 1929, Chapter 89, restated the creation of the criminal division of the nineteenth judicial circuit, including Campbell County, and was amended by Public Acts of 1937, Chapter 59.
5. Private Acts of 1937, Chapter 178, also amended Acts of 1929, Chapter 89, in Section 3 by changing the starting dates for the terms of court in the several counties. Campbell County would begin the criminal division on the third Monday in February, June, and October.

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

The following acts once affecting Campbell 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 1817, Chapter 65, established solicitorial districts in the State of Tennessee. The counties of Dickson, Stewart, Humphreys, Montgomery and Robertson composed the tenth solicitorial district.
2. Public Acts of 1929, Chapter 91, created the position of assistant attorney general for the counties of the judicial circuit to which Campbell County was assigned at the time.
3. Public Acts of 1937, Chapter 74, created the position of criminal investigator for the attorney general of the nineteenth judicial circuit, criminal division.
4. Public Acts of 1965, Chapter 364, declared that all the assistant district attorneys general and criminal investigators for the nineteenth judicial circuit of the state receive a salary of \$4,800 per annum, payable monthly out of the treasury of the state upon the warrant of the director of accounts. Furthermore, the said assistant district attorneys general and criminal investigators shall be reimbursed for their necessary traveling expenses, including board and lodging when absent from the county of their residence upon official business. The amount of such reimbursement shall not exceed \$600.00 in any calendar year.
5. Public Acts of 1973, Chapter 322, created on criminal investigator for the nineteenth judicial circuit of the state.

**General Sessions Court**

The following acts once affected the general sessions court of Campbell 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 229, amended Private Acts of 1947, Chapter 769, in Section 11, by deleting that section and adding a new section which increased the annual salary of the general sessions court judge from \$3,600 to \$5,000, because of a large increase in the number of cases being handled by the said court and by virtue of a broadening of the jurisdiction of the same by act of the general assembly. Our report is that no action was taken on this act by the quarterly court which would render it ineffective.
2. Private Acts of 1959, Chapter 188, amended Private Acts of 1951, Chapter 624, which is incorporated into the published act, by striking the last paragraph in Section 2, and inserting a new one which set the salary of the clerk who served as the clerk of general sessions court at \$1,800 a year; the deputy clerk at LaFollette would get \$1,500 and the deputy clerk at Jellico would get the same, each to be paid monthly on the first day of the month out of the regular county funds. This act was rejected by the quarterly county court and did not become a law.
3. Private Acts of 1963, Chapter 48, amended Private Acts of 1949, Chapter 381, which in incorporated into the base act, by increasing the salary of the deputy general sessions court clerk at Jacksboro from \$100 to \$250 a month. This act was properly ratified and became part of the law.
4. Private Acts of 1963, Chapter 49, amended Private Acts of 1951, Chapter 624, in Section 2, by increasing the salary of the deputy general sessions court clerk at Jellico from \$900 to \$1,500.
5. Private Acts of 1967-68, Chapter 132, amended Private Acts of 1947, Chapter 769, Section 10, by inserting a prohibition against the judge of the general sessions court from practicing law in any of the courts of this state in the same manner and to the same extent to which the prohibition applies to other judges and chancellors. Our report is that no action had been taken by the quarterly court at the time of the publication of the printed volume. However, this act was later repealed by Private Acts of 1967-68, Chapter 213.
6. Private Acts of 1967-68, Chapter 213, amended Section 10, Chapter 769, Private Acts of 1947, stated that the general sessions judge could not appear as counsel for any litigant in any of the courts of this state, but was not otherwise limited in the practice of law. This section was repealed by Private Acts of 1970, Chapter 230.

**Secretarial Assistance**

The following acts 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 1951, Chapter 86, created the office of secretary to the chancellor of the second chancery division. The salary of the secretary was set to \$1,800.00 per annum, payable in equal monthly installments out of the treasury of the state.
2. Public Acts of 1963, Chapter 332, increased the salary of the secretary to the chancellor of the second chancery division to \$3,000 per year, by amending Public Acts of 1951, Chapter 86, published herein.
3. Public Acts of 1963, Chapter 340, authorized the circuit judge and the criminal judge of the nineteenth judicial circuit to appoint a secretary. Each such judge was entitled to be reimbursed out of the state treasury for the amounts expended for such secretarial assistance, not to exceed \$3,000.00 per year.

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