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## Chapter V - Court System

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Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Chapter V - Court System

## Board of Jury Commissioners

### Private Acts of 1931 Chapter 564

**COMPILER'S NOTE:** This Act must be read in conjunction with Private Acts of 1937, Chapter 347, reproduced immediately after this Act. Certain provisions may be superseded by Tennessee Code Annotated Section 22-2-10.

**SECTION 1.** That there shall be a Board of Jury Commissioners for each county in this State having a population of not less than one hundred and fifty-nine thousand or more than one hundred and sixty thousand inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census, and that said Jury Commissioners shall be appointed to hold office until the first Monday of July, 1931, the said commissioners then appointed to hold office until the first Monday in January, 1933, and after that time said commissioners shall be elected on the first Monday of January of every other year, said appointment to be made jointly by the Judges of the Circuit Courts, Criminal Courts and Chancery Court or Courts in the counties affected by this Act.

Said Board shall consist of three discreet persons who are householders and freeholders of the county, and who are not practicing attorneys at law or State or county officers, and who have no suit pending in said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party; each of whom shall be appointed for a term of two years.

All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made.

In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof or by the certificate of a reputable physician that such member is by temporary sickness or physical disability or for some other good and sufficient reason unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge said duties.

**SECTION 2.** That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath, viz.:

"I, A.B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the county of (filling in name) to the best of my knowledge and ability; that I will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt and unfit, or who has to my knowledge solicited or had others to solicit that his name be placed on the jury list or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duties, unless called upon to give evidence thereof in some court of justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the minute of the Circuit Court and the original preserved as a part of the records of said commissioners.

**SECTION 3.** That immediately after their appointment and qualification said Jury Commissioners shall meet and organize by the election of one of their members as chairman. The Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law.

Before entering upon the performance of his duties as Clerk of said Board he shall take and subscribe to an oath to faithfully discharge his duties as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners unless compelled to testify thereto in some court in this State.

This oath shall be spread upon the minutes of the court and the original preserved as a part of the records of the commissioners.

**SECTION 4.** That it shall be the duty of each and every Justice of the Peace in counties subject to the provisions of this Act to furnish to said Jury Commissioners a list of persons qualified by existing laws for jury service who are residents of the civil district from which such Justice was elected, and who are men of good character; and it shall be the duty of said Jury Commissioners to call for and receive such lists, and from said lists and from the tax books of said county and from any other reliable sources of information said Jury Commissioners shall select the names of upright and intelligent men known for their integrity,

fair character, and sound judgement from each and every district in the county, and proportion to the population of such districts as near as may be, who have not served on any regular or grand jury in the county within the preceding twelve months, and who possess the qualifications for jurors otherwise prescribed by law; the number of such names to be placed on such list shall be that number determined by the judges appointing the board. The judges may authorized the jury commissioners to obtain said names from voter registration lists by electronic or mechanic means as provided by Tennessee Code Annotated, Section 22-2-302(d).

Said list shall constitute the jury list for one year from making thereof, and shall not during said year be added to or taken from except as hereinafter provided.

The Circuit Court Clerk of the Board shall purchase for the Board a suitable and well-bound book in which to record said list.

At the top of each page of said book shall be written or printed the words: "Jury Lists for \_\_\_\_\_ County" (filling in the name of the county). Said book shall be so ruled as to leave a space at the left hand of each page for the names, and at the right hand side for such entries as are hereinafter provided for.

Preceding the lists of names in said book shall be written these words: "Jury list selected by the Board of Jury Commissioners for \_\_\_\_\_ County, the \_\_\_\_ day of \_\_\_\_\_ (filling in the name of the county and date.) Immediately following this shall be recorded the lists of jurors selected placing one name on each line, arranging the names in alphabetical order and numbering them consecutively, beginning with number one.

After each name shall be placed in parenthesis [sic] the initials of commissioners proposing such name, but no name shall be placed on said list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the commissioners the following:

"We certify that the foregoing is the jury list selected by us the \_\_\_\_\_ day of \_\_\_\_\_ (filling in the date). The commissioners report the list to the next term of the Circuit Court of \_\_\_\_\_ (filling in the name of the county).

"We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next year as shown by the jury book herewith, viz.: (here shall follow a complete list of names)."

Each of the names on said list shall be written on a slip or scroll of paper and placed in a box to be known as the jury box and so labeled.

Said box shall be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of and in the presence of the Board, and then only for the purpose of drawing therefrom names of jurors or making a new list as herein provided, or in open court by order of the Circuit or Criminal Courts for good and sufficient causes.

Said jury book shall be kept in secret by the Clerk, under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge or Judges and Jury Commissioners.

It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book and to write the names or numbers on said slips or scrolls. For these services he shall be entitled to a fee of Five Cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

As amended by:

Private Acts of 1953, Chapter 277

Private Acts of 1991, Chapter 85

**SECTION 5.** That not less than ten days nor more than twenty-one days before each regular or special term of the Circuit Courts or Criminal Courts said Board shall unlock the jury box and break the seal thereof; and after having well shaken the same cause to be drawn therefrom, in the presence of the Board, by a child under twelve years of age, or an adult blindfolded, a number of names equal to the number of jurors required, and the Judge of the Circuit or Criminal Court, or the number designated by order of the Court, as herein provided, to constitute the regular panel of grand and petit jurors for such term of Court. In the event a name or names of a person or persons known by the commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead.

When in this way the required number of names have been drawn, the slips or scroll on which they have been written shall be placed in a sealed envelope and safely kept by the chairman of the Board and delivered by him or one of his associates on said Board in open Court to the Judges of the Courts on the first day of the term.

In the same manner all names which may have been drawn and put aside as above provided shall be kept

and delivered in open Court.

A report shall also be prepared by the Clerk of the Board substantially as follows:

To the Honorable \_\_\_\_\_ Court of \_\_\_\_\_ County (filling in the name of the Court, whether Circuit or Criminal, and also the name of the county): We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors which have been drawn according to law for the \_\_\_\_\_ term of said Court, viz.: (filling in the blank before the word "term" and then copying the names drawn from the jury box).

If any names have been drawn and put aside as above provided there should be added to the report substantially the following:

"In addition to the above, there were drawn from the jury box the following names of persons known to the Board to have died, removed from the county, or become mentally or physically disabled, viz.: (here copying such names).

If, as heretofore provided, any member of the Board cannot be present at said drawing, these facts shall be stated, in the report, which shall be signed by the members actually present at the drawing.

This report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the Court for which said panel has been drawn, and by him filed in his office, and the date of such filing endorsed thereon.

Thereafter and at least five days before the next regular or special term of such Court, the Clerk of the Court shall issue to the Sheriff a writ, *venire facias*, commanding him to summons the persons whose names are set out in said report as the jurors for said term of Court, and it shall be the duty of the Sheriff to serve same as now provided.

At such regular or special term of the Court the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls delivered in open Court by the chairman of the Board or by one of his associates; and if they correspond, they shall constitute the panel of grand and [sic] jurors for that term of the Court. From this panel the grand and petit jury shall be made up as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that by reasons of the disqualification of proposed jurors or other cause the required number of jurors cannot be obtained from the said panel, the Clerk of the Circuit Court shall produce in open Court the jury box, and said box shall be opened, and there shall be drawn therefrom in the manner provided for the original drawing, except that it shall be done in open Court instead of in the presence of the Board, the number of names deemed by the Judge sufficient to complete the juries. This process shall if necessary be continued until the grand and petit jurors are completed; *provided* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of Court, entered on the minutes designating how many jurors shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

The Sheriff or his legally authorized deputies shall make due return of said writ of *venire facias*, showing how he has executed the same; and a failure to make said return or the making of a false return shall be a misdemeanor in office, and it shall be a misdemeanor for any person, by notice, request, intimidation, or otherwise, to prevent or seek to prevent any juror or jurors whose names appear upon said writ of *venire facias* from attending Court according to the command of said writ; *provided*, that no juror shall serve more than three (3) weeks within any period of one year, except so far as necessary to finish the trial of a case pending when the period of three (3) weeks may have expired, and service of any juror upon any regular jury within twelve (12) months next preceding shall entitle the juror to be excused, and shall be ground of challenge; *provided, further*, that said limitation of jury service to three (3) weeks shall not apply to juries in Criminal Courts, but that juries in Criminal Courts shall serve until the completion of the work of the term for which they are impaneled; *provided, further*, that in event the required number of jurors cannot be obtained from the names appearing upon said writ of *venire facias*, and it shall be necessary that said jury box be produced in open Court for other names to be drawn, and where the jurors whose names are so drawn reside at remote and inconvenient distances, the Court shall be authorized to place their names aside in a receptacle and continue the drawing until the requisite number of jurors has been drawn who can be summoned without unreasonable delay. In such case the names of the jurors drawn and residing at inconvenient distances and which have been set aside shall be returned to the jury box; *provided, further*, that in designating the number of jurors to be summoned, the Court shall designate upon the minutes the number of jurors to be summoned for each period of three (3) weeks; and the Clerk shall issue a separate writ of *venire facias* for the jurors to be summoned for each period of three (3) weeks, specifying on the face of the writ the time for which the jurors shall attend.

As amended by:

Private Acts of 1953, Chapter 277

Private Acts of 1967, Chapter 177

**SECTION 6.** That a list shall be kept by the Clerk of the Court of all persons whose names are drawn from the jury box and the cards bearing the names of those drawn from the jury box who are not selected as jurors shall be held by the Clerk of the Court ordering the same drawn from the box, and they will be placed back in the jury box at the discretion of the Judge who ordered the same to be drawn, the Court ordering the box to be opened for that purpose. The cards bearing the names of those who are disqualified, or for other sufficient reason appearing to the Court, shall be destroyed by the Court or by the Chairman of the Jury Commission, at the discretion of the Court. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words: "Regular Jury," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separate the Clerk of the Criminal Court shall, during each term of his Court furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from the list the latter shall make the entries on the jury list required by this Section.

As amended by: Private Acts of 1953, Chapter 277

The cards bearing the names of jurors who have been selected and are serving shall be destroyed by the Judge or on his order.

As amended by: Private Acts of 1953, Chapter 277

**SECTION 7.** That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open Court and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are so drawn from the panel so drawn and summoned, and the regular panel shall be made up if practicable. If not, another panel shall likewise be drawn and summoned instantler, and so on until the jury is completed or jury box exhausted; if the jury box is exhausted before the jury is completed the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is complete; *provided*, that in case of emergency as found by the Court, whose judgement shall be final, the presiding Judge may, in his discretion, where the regular panel has been exhausted before the Jury is completed, order the sheriff to summons additional jurors and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks directly or indirectly through another to be summoned as a juror, and such solicitation shall operate to disqualify said person for any jury service. It shall be a misdemeanor, punishable by fine of not less than Twenty-five Dollars nor more than Fifty Dollars, for any person to request or to have another request said Jury Commission or either of its members, or any Justice of the Peace of the county to be placed upon said jury list. The names drawn from the jury box under this Section shall be carefully preserved and returned to the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided with respect to those drawn but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this Section that he has served on a regular jury within one year, nor shall service on a jury under this Section disqualify or excuse him for service on the regular juries if his name is regularly drawn from the box thereafter. The Clerk of the Court shall keep a list of all persons serving on juries as provided in this Section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words: "Served on special jury," together with the date of such service.

As amended by: Private Acts of 1953, Chapter 277

**SECTION 8.** That the Court shall not have the right to excuse any person summoned as a juror who is qualified for service unless it be made to appear to the satisfaction of the Court that the state of his own health or that of his family require his absence, or that some pressing and urgent business engagement, the neglect of which would cause irreparable loss, or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the Court.

If excused, it shall be only for such time as the cause for excuse exists. If any reason of excusing of jurors under this Section it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open Court as provided in Section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

As amended by: Private Acts of 1953, Chapter 277

**SECTION 9.** That before the Clerk delivers to the Sheriff or his deputies the writ for the regular panel, or any writ for names of jurors, otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or deputies to keep said names secret, and instruct them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

**SECTION 10.** That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act.

On the first Monday in July, 1931, or as soon thereafter as practicable and annually thereafter the Board shall make out a new jury list, the names in the jury box being first removed; *provided*, that if within one year the number of names remaining in the jury box shall have been reduced until they are less than one-third of the names on the jury list, then a Judge of the Circuit or Criminal Court or Courts shall be an order made either at chambers or in open Court require the Board to renew the list and box as though the year had expired.

**SECTION 11.** That when a new jury is to be made, the Board shall if practicable not put thereon the names of those on the list for the preceding year who have actually served during that time as regular jurors.

**SECTION 12.** That if for any reason the Court should at any time discover that the jury box had not been filled or renewed, or that the jury list had not been prepared or renewed as required by law, or the panel drawn, or additional names drawn therefrom as required by law, or the jury box had been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box and also the jury lists, and see that said Act is duly enforced; and should it be discovered that any irregularities or fraud exists, correct same.

If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term as provided by this Act, then the Judge of said Court shall cause said jury box to be produced in open Court and the required number of jurors to be drawn therefrom for the purpose of making up the grand jury and the trial juries in case of a Criminal Court or of making up the trial juries where only grand juries are not needed. In such cases the drawing shall be as prescribed for the drawing of additional jurors in Section 5 of this Act, and in no case shall any Judge impanel any juror whose name has not been drawn from the box as prescribed in this Act.

**SECTION 13.** That said jurors when duly selected and impaneled by the said respective Judges of the Courts of the counties subject to this Act shall be eligible for service in all of said Courts of said counties during the period of their service and the said Judges shall have power to transfer said jurors or so many of them as may be necessary from one to another of said Courts as the necessities of the public therein may require.

**SECTION 14.** That whenever a jury is required for the trial of cases in the Chancery Court or Courts of the counties affected by this Act, the presiding Chancellor or Chancellors of said Court or Courts may make requisition upon one or more of the Judges of the Circuit and Criminal Courts for the number of jurors required and the Judges of the Circuit and Criminal Courts shall furnish such jurors from those not then engaged in said Courts, *provided* in case said Circuit and Criminal Courts are not in session or cannot have a sufficient number of jurors available within a reasonable time the said Chancellor or Chancellors shall have the power to impanel juries as now provided by law.

**SECTION 15.** That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his deputy, or the Sheriff or any of his deputies to divulge any of the secrets of said Jury Commissioners, or to notify anyone what name or names constitute the panel or any part of it for the Court, or any name or names drawn from the jury box for service in any case pending in Court, or to fail to perform any duty imposed by this Act, and upon conviction thereof they shall pay a fine of not less than Forty Dollars and be imprisoned in the county jail not less than thirty days, one or both in the discretion of the Court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall be also a contempt of Court punishable by the Circuit Court upon its own motion or upon the petition of the District Attorney for any Jury Commissioner, Circuit Court Clerk, or any other person to open any jury box except as herein provided, or to destroy, deface any jury list, or to assist in or connive at any such acts or for any custodian of the jury box or list to knowingly permit any such acts to be done.

**SECTION 16.** That the Judge or Judges have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

**SECTION 17.** That said jurors shall be required to serve for not longer than three weeks, but such service need not be in consecutive succeeding weeks, but shall be under the control of the said Courts as to the time of service, and it shall be the duty of the jurors to report for service as directed by said Courts. No person shall be required to serve on a regular jury panel more than one time in one year; *provided, however*, that such service within one year shall not disqualify a person for jury service, nor shall it be cause for challenge.

**SECTION 18.** That the grand jurors shall be drawn, summoned, impaneled and charged by, and shall be under the general supervision of the First Division of the Criminal Court if there be more than two

divisions of the Criminal Court in the county affected by this Act and that nothing herein shall be construed as affecting or interfering with the organization of the said grand jury, under existing laws.

**SECTION 19.** That the Jury Commissioners shall receive twenty-five dollars (\$25.00) for every day's service while actually engaged in making up the jury lists to be paid from the county treasury.

As amended by: Private Acts of 1953, Chapter 277

Private Acts of 1981, Chapter 178

**SECTION 20.** That the book for recording the jury list, also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian of said book and box, which book and box shall not be opened for inspection except to the commissioners themselves and the Courts theretofore referred to.

**SECTION 21.** That in the absence of fraud, no irregularity with respect to the provisions of this Act affect the validity of any action of the grand jury if this Act has been substantially complied with or the validity of any verdict rendered by a trial jury unless such irregularity has been especially pointed out and exceptions taken thereto before the jury is sworn.

**SECTION 22.** That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of the counties affected by this Act.

**SECTION 23.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 24.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

**COMPILER'S NOTE:** Public Acts of 1979, Chapter 416, repealed the option to serve as a juror formerly conferred upon women, making them answerable to the same legal requirements for jury service as were male citizens. This Act was construed by the courts in Helton v. State, 195 Tenn. 36, 255 S.W.2d 694 (1953).

## Private Acts of 1937 Chapter 347

**COMPILER'S NOTE:** This Act must be read in conjunction with Private Acts of 1931, Chapter 564, reproduced immediately before this Act. Certain provisions may be superseded by Tennessee Code Annotated Section 22-2-10.

**SECTION 1.** The jurors shall be selected alternately by Judges of the Circuit and Criminal Courts, beginning with the Judge of Division I of the Circuit Court and followed thereafter by the other Circuit Judges in numerical order of the Divisions thereof, followed by the Judges of the Criminal Courts in numerical order of the Divisions thereof; each Judge to select said jurors for one (1) term of the Court. Through emergency or by mutual interchange agreement or by request of the Judge designated, the jurors may be selected by any other Judge of the Circuit or Criminal Court. The Judge shall select a panel of ninety-six (96) qualified jurors who may be required to serve for two (2) weeks. This panel shall be divided into eight (8) juries, designated by number, and each juror shall be designated by name and by number, beginning with one (1) through ninety-six (96).

As amended by: Private Acts of 1951, Chapter 294

Private Acts of 1953, Chapter 276

Private Acts of 1953, Chapter 278

Private Acts of 1963, Chapter 238

Private Acts of 1967-68, Chapter 90

Private Acts of 1971, Chapter 55

**SECTION 2.** That the regular panel of jurors selected and present shall not exceed eighty-four men when five courts are in session, shall not exceed seventy men when four courts are in session, shall not exceed fifty-five men when three courts are in session, and shall not exceed forty men when two courts are in session, and shall not exceed twenty-seven men when one court is in session.

As amended by: Private Acts of 1951, Chapter 294

**SECTION 3.** That it shall be the duty of the Clerk of the Circuit Court each day to ascertain what Courts expect to be in session for later days, and procure an order from one of the Judges excusing from service for such days a number of jurors so as to conform to the limits of numbers herein provided.

**SECTION 4.** That special panels of jurors may be summoned upon orders of the Court in criminal cases where a large number of veniremen are required as now provided by law. In instances where additional jurors are required in either Court, the presiding Judge may designate special jurors, or order the Sheriff to summon special jurors for service in such emergency only.

**SECTION 5.** That in jury trials in Chancery Court of Hamilton County a jury shall be selected from such panel, if such required numbers are available and in attendance.

**SECTION 6.** That the Clerk of the Circuit Court shall keep the record of attendance of jurors and shall certify such attendance, per diem and mileage to the County Judge for payment, provided that with respect to special jurors used in emergencies as herein provided the Clerk of the Court wherein such special jurors serve shall certify such attendance, per diem and mileage.

**SECTION 7.** That a suitable jury room for the use of the jurors as herein contemplated shall be provided in the Court House by Hamilton County.

**SECTION 8.** That when a full panel of jurors is in attendance as herein provided when more than one Court is in session, and one or more of the Courts shall complete its session and adjourn for the day, it shall be the duty of the Clerk of the Circuit Court to procure an order from one of the Judges excusing such number of jurors not required for the balance of the day.

**SECTION 9.** The compensation for the citizens serving as jurors in Hamilton County shall be determined by the Hamilton County Board of County Commissioners, to be paid in the same manner provided by law. As amended by: Private Acts of 1989, Chapter 98

**SECTION 10.** That Chapter 564 Private Acts of 1931, being an Act to regulate the selection and service of jurors in Hamilton County, be and the same is amended to conform with the provisions of this Act, and that this Act take effect from and after passage, the public welfare requiring.

**COMPILER'S NOTE:** Private Acts of 1931, Chapter 564, is reproduced immediately prior to this Act.

Passed: March 4, 1937.

## Chancery Court

### Public Acts of 1955 Chapter 201

**SECTION 1.** That the Chancery Court of Hamilton be and hereby is divided into two parts designated as Part 1 and Part 2.

Five terms of said Court in both parts shall be held annually beginning on the first Mondays in February, April, June, October and December of each year. Said Court in each part shall have such jurisdiction and powers as are now exercised by said Court.

Part 2 of said Court in addition shall have exclusive jurisdiction and powers with respect to the probate of wills and administration of estates as now exercised by the County Court of Hamilton County, which is hereby divested of such jurisdiction and power, but this provision shall not affect or impair the powers and functions of the County Judge of Hamilton County in other respects.

The procedure, rules of practice, and laws governing the Chancery Court of Hamilton County shall be the same as now in force, except where expressly changed by this Act, and the Court shall be considered open for orders at rules and other like purposes whenever either part of said Court has not finally adjourned for the term; and each part of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the present Chancellor of Hamilton County and his successors in office shall sit and hold regularly in Part 1, and an additional office of Chancellor of Hamilton County is hereby created which shall be filled by the appointee hereinafter provided until the election of a Chancellor to fill said office as provided by this Act, and said Chancellor and his successors in office shall sit and hold Court regularly in Part 2, but if at any time the business of either part shall have been included by the trial of all causes at issue and ready for hearing at that term, and there shall remain causes undisposed of in the other part of said Court, then it shall be the duty of both Chancellors to sit in the trial of causes in either part until same shall have been determined, and in such cases such apportionment of such undisposed causes shall be by said Chancellors between them, and in such way and at such times as shall conduce to a speedy termination thereof, but all decrees in said causes shall be entered on the minutes of the part of said Court in which said causes are finally tried.

**SECTION 3.** That as soon after the passage of this Act as may be practicable, the Chancellors of said Court shall apportion among the two parts thereof the causes now pending therein in such manner as to expedite the trial of causes, and the Rule Docket and Trial Docket shall each show the part to which causes are assigned, and thereafter each cause shall be for trial and proceed only in the part to which it is assigned unless apportioned by the Chancellors as hereinbefore provided, except that suits and proceedings with respect to the probate of wills and administration of estates shall be assigned to Part 2 of said Court.

The chancellors shall promptly assign each civil action brought in the chancery court for hearing and disposition.

As amended by: Private Acts of 1998, Chapter 162

**SECTION 4.** The chancellors, working with the clerk and master, shall establish the manner and timing of case assignments consistent with impartiality, equitable distribution of workload, and available technology.

As amended by: Private Acts of 1998, Chapter 162

**SECTION 5.** That the Clerk and Master of the Chancery Court of Hamilton County shall act as Clerk and Master for both Part 1 and Part 2 of said Court. Only one set of rule dockets and records shall be kept by said Clerk and Master as records of the general equity proceedings of said Court, but the minutes of each part shall be kept separately and signed by the respective Chancellors thereof, except that separate records shall be kept of suits and proceedings with respect to the probate of wills and administrations of estate, which shall be records of Part 2 of said Court and signed by the Chancellor thereof.

A single caption or opening order for each term of Court shall be sufficient without showing a formal opening of each division.

The compensation of said Clerk and Master shall be and remain as now or hereafter fixed by law, with the fees accruing to said Clerk for services rendered in each part of said court to be treated as if accruing in one Court only.

**SECTION 6.** That Hamilton County shall furnish for the sittings of each part of said Court separate rooms with necessary appurtenances and conveniences for holding of said Courts, and the Sheriff of said County shall, either in person or by Deputy, attend upon each part of said Court when in session.

**SECTION 7.** That the reorganization made by this Act shall not affect the office, powers, duties or responsibilities of the Clerk and Master of said Court, but said Clerk and Master shall hold his office with all the powers, duties and responsibilities now attached thereto during the term for which he was appointed and until his successor shall be appointed by the chancellors of said Court, and shall qualify, except that the Clerk and Master with the approval of the Chancellor of Part 2, shall appoint a Deputy to be designated as Probate Deputy to act as Clerk, have possession of and keep the records and proceedings of said Part 2 with respect to the probate of wills and the administration of estates, with the powers now conferred by law upon the Clerk of the County Court with respect thereto.

**SECTION 8.** That the Governor shall immediately, upon the passage of this Act, appoint a person qualified under and learned in the law, to fill the office of Chancellor created by this Act, who shall hold said office until September 1, 1956, and until his successor is elected and qualified, and at the August election in 1956 there shall be elected by the qualified voters of said County a Chancellor of Part 2 of said Court, who shall hold his office until September 1, 1958, and until his successor is elected and qualified, and at the August election every eight years thereafter there shall be elected by the qualified voters of said County a Chancellor of Part 2 of said Court.

The Chancellor of Part 2 of said Court shall have and possess same qualifications and exercise the same powers and jurisdiction, receive the same compensation as other Chancellors in this State, in addition to the powers herein conferred with respect to the probate of wills and the administration of estates.

**SECTION 9.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 10.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, parts or clauses be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent hereby declared that this Act would have been adopted even if such unconstitutional or voided matter had not been included herein.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 7, 1955.

## Circuit Court

### Private Acts of 1929 Chapter 10

**SECTION 1.** That the Circuit Court of Hamilton County shall hereafter be divided into two divisions, to be known as the First Division of the Circuit Court of Hamilton County, and the Second Division of the Circuit Court of Hamilton County; that said two divisions of said court shall be held and operated as the Circuit Court of Hamilton County under the Act creating said Circuit Court and under the general laws relating to Circuit courts, and that each division of said court shall have full and complete jurisdiction as a Circuit court, and each shall have equal and concurrent jurisdiction with the other in accordance with an orderly apportionment of the business of said court between said divisions as hereinafter provided. Both said

courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Circuit Court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Circuit Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 2.** That the Criminal Court of Hamilton County shall hereafter be divided into two divisions to be known as the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County; that said two divisions of said court shall be held and operated as the Criminal Court of Hamilton County under the Act creating said Criminal Court and under the general laws relating to Circuit and Criminal courts, and that each division of said court shall have full complete jurisdiction as a Criminal court, and each shall have equal and concurrent jurisdiction with the other, except as hereinafter provided. Both of said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Criminal court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Criminal Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 3.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit for the purpose of providing a judge to hold the Second Division of the Circuit Court of Hamilton County and the Second Division of the Criminal Court of Hamilton County. It shall be the duty of the Governor to appoint a Judge to fill such position, who shall hold office until the next regular August election and until his successor is elected and qualified in accordance with general law. Said judge shall be qualified as other Circuit judges, shall hold his office for the same term, and receive the same compensation and shall possess the same powers and jurisdiction as other Circuit judges of the State.

**SECTION 4.** That the First Division of the Circuit Court of Hamilton County shall be held by the present Circuit judge of the Sixth Judicial Circuit, whose position and office shall be officially designated "Judge First Division of the Circuit Court of Hamilton County," that the First Division of the Criminal Court of Hamilton County shall be held by the present judge of the Criminal Court of the Sixth Judicial Circuit, whose position and office shall be designated "Judge First Division of the Criminal Court of Hamilton County"; that the Second Division of the Circuit Court of Hamilton County shall be held by the judge provided for in this Act, whose position and office shall be officially designated "Judge Second Division of the Circuit Court of Hamilton County"; that the Second Division of the Criminal Court of Hamilton County shall be held by the judge provided for in this Act.

**SECTION 5.** That the powers and jurisdiction of the three judges shall be equal, co-ordinate and concurrent, and either judge may hold either court, or division thereof, as may be convenient and to the public good, as determined by said judges.

**SECTION 6.** That the Circuit Court Clerk and the Criminal Court Clerk shall respectively act as Clerk of the Second Division of the Circuit Court and the Second Division of the Criminal Court. Only one set of dockets, records, and minutes shall be kept by each of the Circuit and Criminal courts, but the minutes of each division shall be kept by the respective clerks separately in the Minute Book, and signed by the presiding judge, but one caption, or opening order, for each term of each court shall be sufficient, without showing a formal opening of each division.

**SECTION 7.** That it shall be the duty of the said three judges to meet at least once each month during Court sessions and apportion the work of the Circuit Court and the Criminal Court between the various divisions of said courts to the end that substantially one-third of all the business of said courts shall be performed by each of said judges, and for this purpose said three judges are hereby invested with the power and duty to make rules and regulations covering the division of the court business, the assignment of trial dockets, the interchange of judges, the drawing and assigning of jurors, the hearing of motions, and the adoption of co-ordinate rules and assigning the court business and making rules as aforesaid, said three judges shall act as one court, convening as the Circuit Court for the consideration of orders and rules pertaining to that court, and convening as the Criminal Court for the consideration of orders and rules pertaining to that court, and such orders and rules shall be spread upon the minutes of the respective courts and signed by the presiding judge.

**SECTION 8.** That the grand jury of the Criminal Court of Hamilton County shall be empaneled, sworn, and charged in the First Division of the Criminal Court, and shall make all reports to said Division. The appointment of the foreman of the grand jury, in accordance with existing law, shall be made by the judge of the First Division of the Criminal Court. It shall be the duty of the Attorney-General of the Sixth Judicial Circuit, and his assistants, to represent the State in all prosecutions and the State causes assigned for trial in the Second Division of the Criminal Court, and this service shall be rendered without additional compensation.

**SECTION 9.** That all pleading and process shall run in the name of the Circuit or Criminal Court of Hamilton County, as the case may be, as now provided by law, and no distinction in this respect shall be made as to the divisions of said courts.

**SECTION 10.** That the judge of the Second Division of the Circuit Court is authorized to appoint a Court officer, in accordance with the existing power of the judge of the Circuit Court of Hamilton County, and such officer shall receive compensation in the same manner and amount as now paid the officer of said Circuit Court. The present judge of the Circuit Court and the present judge of the Criminal Court shall have the same power to appoint court officers as they now have by existing law.

**SECTION 11.** That the Acts of 1903, Chapter 361, establishing the Criminal Court of the Sixth Circuit, and fixing the jurisdiction of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; that the Public Acts of 1915, Chapter 18, making Hamilton County the Sixth Circuit and providing for the holding of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; and that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 12.** That this Act take effect from and after the first Monday of the month following its passage, the public welfare requiring it.

Passed: January 23, 1929.

## Private Acts of 1959 Chapter 256

**COMPILER'S NOTE:** See Private Acts of 1929, Chapter 10, reproduced following this Act.

**SECTION 1.** That a Circuit Court for the Sixth Judicial Circuit to be styled the "Fourth Division of the Circuit Court of Hamilton County" be, and it hereby is created and established.

**SECTION 2.** That the Fourth Division of the Circuit Court of Hamilton County shall be held in the courthouse in the City of Chattanooga, Tennessee, and the County Council of Hamilton County shall provide suitable quarters with necessary equipment and appurtenances for the holding of the sessions of said Fourth Division of the Circuit Court.

**SECTION 3.** That the powers and jurisdiction of the Fourth Division of the Circuit Court of Hamilton County shall be equal and concurrent with the other divisions of said Circuit Court, and all laws applicable to the other divisions shall be applicable to said Fourth Division of said Circuit Court of Hamilton County.

**SECTION 4.** That the practice and procedure in said Fourth Division of the Circuit Court of Hamilton County shall be the same as in the other divisions of said Circuit Court and all laws, rules and regulations relating to practice and procedure, shall be applicable to all divisions of said Circuit Court.

**SECTION 5.** That the Clerk of the Circuit Court of Hamilton County shall act as Clerk of the Fourth Division of said Circuit Court as well as for all other divisions of said Circuit Court and shall keep dockets, records and minutes thereof as now or may hereafter be provided by law and rules of said Court. The compensation of said Clerk shall be and remain as it is now or may hereafter be fixed by law with the fees accruing to said Clerk for services rendered in each of the four divisions of said Circuit Court to be treated as accruing in one Court only.

**SECTION 6.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit, for the purpose of holding the Fourth Division of the Circuit Court of Hamilton County, who shall be a person qualified by law to hold said office, to be appointed by the Governor of the State of Tennessee to fill such office as Judge, and to hold office until September 1, 1960, and until his successor is elected and qualified in accordance with the general law. Said Judge shall be qualified as other Circuit Judges of the State, shall hold office for same term, shall receive the same compensation, and shall possess the same powers and jurisdiction as other Circuit Judges of the State, and elections to the vacancies in said office shall be held and filled in the manner provided by general law.

**SECTION 7.** That the powers and jurisdiction of the Judge of the Fourth Division of the Circuit Court of Hamilton County shall be equal, coordinate and concurrent with the powers and jurisdiction of the Judges of the other divisions of said Circuit Court.

**SECTION 8.** That the Judge of the Fourth Division of the Circuit Court of Hamilton County is authorized to appoint a court officer, in accordance with the existing power of the Judges of the other divisions of said Circuit Court, and that such officer shall receive compensation in the same manner and amount as is paid the court officers of the other divisions of said Circuit Court.

**SECTION 9.** That all laws or parts of laws in conflict with the provisions of this Act be, and the same hereby are repealed, and that this Act shall take effect from July 1, 1959, the public welfare requiring it.

Passed: March 19, 1959.

## Criminal Court

### Acts of 1903 Chapter 361

**COMPILER'S NOTE:** See Private Acts of 1929, Chapter 10.

**SECTION 1.** That a Criminal Court Circuit is hereby created and established, to be composed of the Counties of Hamilton, Sequatchie, Marion and Franklin, to be known as the Criminal Court for the Sixth Judicial Circuit. Said Court shall have jurisdiction of all criminal business of said counties, which said criminal jurisdiction is taken from the Sixth Judicial Circuit and conferred as said Criminal Court herein established for said circuit.

**SECTION 2.** That said Criminal Court shall have general common law jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now or hereafter may be conferred as said Criminal Court of this State under the common law or by statute.

**SECTION 3.** That the time for holding the Criminal Court for said Criminal Circuit shall be as follows: In Hamilton County on the second Monday in January, May and September each year; in Sequatchie County on fourth Mondays in March, July and November of each year; in Marion County on the first Mondays in April, August and December each year; in Franklin County on the third Mondays in April, August and December each year; provided, that in Hamilton County said Criminal Court shall be kept open for the transaction of business from its opening until Saturday before the day herein fixed for the convening of court in Sequatchie County.

**SECTION 4.** That the Circuit Court Clerks of the counties herein named shall be the Clerks of the said Criminal Court in the respective counties herein named, and they shall receive the same compensation and perform the same duties as they are now receiving and performing by law.

**SECTION 5.** That the Attorney General and Assistant Attorney General for the Sixth Judicial Circuit shall be the Attorney General and Assistant Attorney General for said Criminal Court and shall hold and perform the duties thereof until the first Monday in September, 1910, as are now provided by law.

**SECTION 6.** That immediately on the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court, whose salary shall be the same as that of the other Criminal and Circuit Judges of the State, and paid in like manner by the State, and who shall possess same qualifications as are now required by law for Judges of this state, who shall hold this office until September 1, 1904, and until his successor is elected and qualified, and at the August election, 1904, there shall be elected by the qualified voters of Hamilton, Sequatchie, Marion and Franklin Counties, a Judge of said Criminal Court who shall hold his office until September 1, 1910, and until his successor is elected and qualified, and at the regular August election for other civil officers for the State in 1910, and thereafter every eight years there shall be elected by the qualified voters of said counties a Judge and Attorney General for said Criminal Court.

**SECTION 7.** That the Judge of the Sixth Judicial Circuit shall try and determine all cases of a civil nature, as now provided by law, and that the terms of Court shall be as follows: In Hamilton County, first Mondays in January, May and September, each year; in Sequatchie County, fourth Mondays in March, July and November each year; in Marion County, the first Mondays in April, August and December each year; and in Franklin County the third Mondays in April, August and September each year.

**SECTION 8.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, insofar as they conflict with this Act, but no further or otherwise.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1903.

### Private Acts of 1929 Chapter 10

**SECTION 1.** That the Circuit Court of Hamilton County shall hereafter be divided into two divisions, to be known as the First Division of the Circuit Court of Hamilton County, and the Second Division of the Circuit Court of Hamilton County; that said two divisions of said court shall be held and operated as the Circuit Court of Hamilton County under the Act creating said Circuit Court and under the general laws relating to Circuit courts, and that each division of said court shall have full and complete jurisdiction as a Circuit court, and each shall have equal and concurrent jurisdiction with the other in accordance with an orderly apportionment of the business of said court between said divisions as hereinafter provided. Both said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and

at such times and terms as now provided by law relative to said Circuit Court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Circuit Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 2.** That the Criminal Court of Hamilton County shall hereafter be divided into two divisions to be known as the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County; that said two divisions of said court shall be held and operated as the Criminal Court of Hamilton County under the Act creating said Criminal Court and under the general laws relating to Circuit and Criminal courts, and that each division of said court shall have full complete jurisdiction as a Criminal court, and each shall have equal and concurrent jurisdiction with the other, except as hereinafter provided. Both of said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Criminal court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Criminal Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 3.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit for the purpose of providing a judge to hold the Second Division of the Circuit Court of Hamilton County and the Second Division of the Criminal Court of Hamilton County. It shall be the duty of the Governor to appoint a Judge to fill such position, who shall hold office until the next regular August election and until his successor is elected and qualified in accordance with general law. Said judge shall be qualified as other Circuit judges, shall hold his office for the same term, and receive the same compensation and shall possess the same powers and jurisdiction as other Circuit judges of the State.

**SECTION 4.** That the First Division of the Circuit Court of Hamilton County shall be held by the present Circuit judge of the Sixth Judicial Circuit, whose position and office shall be officially designated "Judge First Division of the Circuit Court of Hamilton County," that the First Division of the Criminal Court of Hamilton County shall be held by the present judge of the Criminal Court of the Sixth Judicial Circuit, whose position and office shall be designated "Judge First Division of the Criminal Court of Hamilton County"; that the Second Division of the Circuit Court of Hamilton County shall be held by the judge provided for in this Act, whose position and office shall be officially designated "Judge Second Division of the Circuit Court of Hamilton County"; that the Second Division of the Criminal Court of Hamilton County shall be held by the judge provided for in this Act.

**SECTION 5.** That the powers and jurisdiction of the three judges shall be equal, co-ordinate and concurrent, and either judge may hold either court, or division thereof, as may be convenient and to the public good, as determined by said judges.

**SECTION 6.** That the Circuit Court Clerk and the Criminal Court Clerk shall respectively act as Clerk of the Second Division of the Circuit Court and the Second Division of the Criminal Court. Only one set of dockets, records, and minutes shall be kept by each of the Circuit and Criminal courts, but the minutes of each division shall be kept by the respective clerks separately in the Minute Book, and signed by the presiding judge, but one caption, or opening order, for each term of each court shall be sufficient, without showing a formal opening of each division.

**SECTION 7.** That it shall be the duty of the said three judges to meet at least once each month during Court sessions and apportion the work of the Circuit Court and the Criminal Court between the various divisions of said courts to the end that substantially one-third of all the business of said courts shall be performed by each of said judges, and for this purpose said three judges are hereby invested with the power and duty to make rules and regulations covering the division of the court business, the assignment of trial dockets, the interchange of judges, the drawing and assigning of jurors, the hearing of motions, and the adoption of co-ordinate rules and assigning the court business and making rules as aforesaid, said three judges shall act as one court, convening as the Circuit Court for the consideration of orders and rules pertaining to that court, and convening as the Criminal Court for the consideration of orders and rules pertaining to that court, and such orders and rules shall be spread upon the minutes of the respective courts and signed by the presiding judge.

**SECTION 8.** That the grand jury of the Criminal Court of Hamilton County shall be empaneled, sworn, and charged in the First Division of the Criminal Court, and shall make all reports to said Division. The appointment of the foreman of the grand jury, in accordance with existing law, shall be made by the judge of the First Division of the Criminal Court. It shall be the duty of the Attorney-General of the Sixth Judicial Circuit, and his assistants, to represent the State in all prosecutions and the State causes assigned for trial in the Second Division of the Criminal Court, and this service shall be rendered without additional compensation.

**SECTION 9.** That all pleading and process shall run in the name of the Circuit or Criminal Court of

Hamilton County, as the case may be, as now provided by law, and no distinction in this respect shall be made as to the divisions of said courts.

**SECTION 10.** That the judge of the Second Division of the Circuit Court is authorized to appoint a Court officer, in accordance with the existing power of the judge of the Circuit Court of Hamilton County, and such officer shall receive compensation in the same manner and amount as now paid the officer of said Circuit Court. The present judge of the Circuit Court and the present judge of the Criminal Court shall have the same power to appoint court officers as they now have by existing law.

**SECTION 11.** That the Acts of 1903, Chapter 361, establishing the Criminal Court of the Sixth Circuit, and fixing the jurisdiction of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; that the Public Acts of 1915, Chapter 18, making Hamilton County the Sixth Circuit and providing for the holding of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; and that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 12.** That this Act take effect from and after the first Monday of the month following its passage, the public welfare requiring it.

Passed: January 23, 1929.

## Private Acts of 1917 Chapter 779

**SECTION 1.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 2.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 3.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 4.** [Deleted by Private Acts of 1923, Chapter 460].

**SECTION 5.** That appeals from the judgements of the City Court of the City of Chattanooga and other Municipalities in Hamilton County, shall be made to the Criminal Court of Hamilton County and shall be triable by that Court.

As amended by: Private Acts of 1923, Chapter 460

**SECTION 6.** That all laws in conflict with this Act are repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1917.

## Private Acts of 1937 Chapter 868

**SECTION 1.** That the City Court of the City of Chattanooga in Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant 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 grand jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Hamilton County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment. The jurisdiction hereby conferred shall be exercised within the corporate limits of the City of Chattanooga, but concurrently with Criminal Court of Hamilton County as hereinafter provided.

**SECTION 2.** That the Criminal Court of Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant or information by the District Attorney General wherein the person charged with such misdemeanor offense enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and grand jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The jurisdiction hereby vested shall extend to misdemeanor cases committed in Hamilton County.

Any person who has been committed to jail, or placed under bond to appear before the Criminal Court in any misdemeanor case by judgment of a Justice of the Peace may demand a trial before the Criminal Court upon waiving an indictment, presentment and grand jury investigation and a jury trial. In such cases speedy trial shall be held before a Judge of such Court without a jury.

It shall be the duty of the District Attorney General to ascertain from persons held in jail whether they desire to avail themselves of such procedure.

Such trials may be held upon the original warrants, or upon an information filed by the District Attorney General.

**SECTION 3.** That in all trials provided by this Act the costs as now provided by law shall be taxed and collected, except that no State and County litigation tax shall be charged or collected.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 20, 1937.

## Public Acts of 1968 Chapter 528

**SECTION 1.** A court, to be styled the "Third Division of the Criminal Court of Hamilton County" is established.

**SECTION 2.** The Third Division of the Criminal Court shall be held in the City of Chattanooga and shall have concurrent jurisdiction with the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County, and its terms shall begin on the same days as those of the said Divisions of the Criminal Court of Hamilton County.

**SECTION 3.** The Third Division of the Criminal Court of Hamilton County shall have the same jurisdiction, power, and authority as is conferred on the above said Divisions of the Criminal Court of Hamilton County in all and every particular.

**SECTION 4.** All laws now in force applicable to the process, pleadings, and course of procedure in the said Divisions of the Criminal Court of Hamilton County shall be equally applicable to the process, pleadings, and course of procedure of the said Third Division of the Criminal Court; and the Sheriff and other Officers of the State shall execute all process of the Third Division of the Criminal Court, and be liable for defaults in respect thereto, in like manner and to the same extent as in the case of similar process of the said Divisions of the Criminal Court of Hamilton County.

**SECTION 5.** No appointment shall be made to fill the office created by this Act prior to the August 1968 elections, but a Judge for the said Third Division of the Criminal Court of Hamilton County, shall be elected by the qualified voters of said County on the first Thursday of August, 1968, who shall hold said office from the first day of September, 1968, until the first day of September, 1974, and until his successor is elected and qualified; and at the August election of that year, and thereafter every eight years, there shall be elected by the qualified voters of the said County a Judge of the said Third Division of the Criminal Court. The Judge of the Third Division shall be an Attorney, duly licensed to practice law in the Courts of the State of Tennessee, not less than thirty (30) years of age, and he shall receive as compensation the same salary, payable in like manner, and shall have the same dignity of office, as the Criminal Judges of this State, and shall interchange with any of the Criminal Court Judges of this State when such a request is made of him for the purpose of hearing criminal cases.

**SECTION 6.** The business of the said Third Division of the Criminal Court of Hamilton County shall be equalized with the business of the above said Divisions of the Criminal Court of Hamilton County, in the same manner and subject to the same provisions as are now applicable to equalizing the business of the above said Divisions of the Criminal Court of Hamilton County.

**SECTION 7.** The Clerk of the First and Second Divisions of the Criminal Court of Hamilton County shall also be the Clerk of the Third Division of the Criminal Court of Hamilton County; but he shall keep separate books, give separate bonds, and in all respects keep the business of the Third Divisions of the Criminal Court separate from the business of each of the other two Divisions of the Criminal Court of said County.

**SECTION 8.** Such number of jurors as may be required to try the jury cases in the said Third Division of the Criminal Court, whose qualifications shall be the same prescribed by law for jurors in criminal causes in said County, shall be selected in the same way and manner as is now provided by law for the selection of jurors in the said Divisions of the Criminal Court of Hamilton County.

**SECTION 9.** It shall be the duty of the Sheriff of the said County, or such Officers as the Judge of the Third Division of the Criminal Court may appoint, to attend the sessions of the said Court and preserve order. Such Officers shall receive the same compensation, to be paid in the same way, as that now paid to the Officers who attend the said Divisions of the Criminal Court of said County.

**SECTION 10.** The County of Hamilton shall provide suitable rooms, with necessary appurtenances and conveniences, for holding the said Third Division of the Criminal Court, and for the use of its Clerks, in the City of Chattanooga.

**SECTION 11.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 3, 1968.

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

Tennessee Code Annotated.

## Clerk

### Private Acts of 1917 Chapter 780

**SECTION 1.** That there is hereby created the position of Clerk of the Criminal Court of Hamilton County. Such Clerk shall be elected as hereinafter provided and perform the duties, be under the obligations and receive the compensation as now provided by law for Clerks of the Circuit and Criminal Courts of the State.

**SECTION 2.** That the duties of the Clerk of the Criminal Court of Hamilton County shall be performed by the Circuit Court Clerk of Hamilton County until the first Monday of September, 1918. At the regular August election in 1918 and every four years thereafter there shall be elected by the qualified voters a Clerk of the Criminal Court of Hamilton County, whose term of office shall begin on the first Monday of September following such election.

**SECTION 3.** That it shall be the duty of the Circuit Court Clerk to deliver to the Criminal Court Clerk all the records and dockets of the Criminal Court of Hamilton County upon the qualification of the said Clerk of the Criminal Court.

**SECTION 4.** That all laws in conflict with this Act are repealed.

Passed: April 5, 1917.

## District Attorney General

### Assistants and Criminal Investigators

### Private Acts of 1925 Chapter 701

**SECTION 1.** That the County Court in all counties of this State having a population of not less than one hundred and fifteen thousand and not more than one hundred and twenty thousand, according to the Federal Census of 1920, or of any subsequent Federal Census, shall be and it is hereby empowered and authorized to contribute and pay to the District Attorney General any sum or amount that said County Court may deem right, and fair, in monthly installments; provided, however, that said appropriations shall in no event exceed the amount of one hundred dollars per month, to aid him in the prosecution of crime and in the protection of the public peace, and preserving public order, in addition to what the State of Tennessee pays him, and to provide for the same as other expenses of the county are now provided for under existing law.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1925.

## General Sessions Court

### Private Acts of 1941 Chapter 6

**COMPILER'S NOTE:** Private Acts of 1943, Chapter 37, which follows this act, made broad amendments to Private Acts of 1941, Chapter 6, and should be read in conjunction with this act.

**SECTION 1.** (a) That there is hereby created and established a court in and for Hamilton County, Tennessee, which shall be divided into three (3) divisions: one of which shall be designated Court of General Sessions, Division I, of Hamilton County, Tennessee; another, Court of General Sessions, Division II, of Hamilton County, Tennessee; and the other, Court of General Sessions, Division III, of Hamilton County, Tennessee. The Court shall be held in Chattanooga, and Hamilton 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.

(b) Effective September 1, 1996, there is hereby created Division IV and Division V of the General Sessions Court of Hamilton County. Judges to fill such new divisions shall be appointed by the County Commission of Hamilton County by September 1, 1996.

(c) Persons initially appointed to the position of General Sessions Court Judge for each of the new

divisions created by subsection (b) shall serve until September 1, 1998, or until their successors are elected and qualified. At the regular August election in 1998 and every eight (8) years thereafter, the qualified voters of Hamilton County shall elect a person to serve as judge of Division IV and Division V for a full eight (8) year term. Such elections shall be nonpartisan. Candidates for the position of judge of such new divisions shall qualify for a specific division as provided in Section 13, as amended. The winning candidate for each new division shall also be determined in the manner set out in Section 13, as amended, and all candidates shall possess the same qualifications as required by Section 11, as amended, for the judges of the three (3) present divisions. A vacancy in the office of judge of Division IV or Division V shall be filled for the unexpired term as provided by general law.

(d) The judges of Divisions IV and V of the General Sessions Court of Hamilton County shall have the same powers, duties, responsibilities, jurisdiction, authority, and shall be paid the same compensation in the same manner and with the same restrictions as the judges of the three (3) present divisions of general sessions court. Supplies, courtrooms, furnishings and other necessary equipment shall be furnished the judges of such new divisions in the manner provided by subsection (a) of this section.

As amended by:

Private Acts of 1996, Chapter 192

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be co-extensive with Hamilton County and shall be the same as provided by law for Justices of the Peace in Civil and Criminal actions; and the Justices of the Peace of Hamilton County are hereby divested of all such jurisdiction, powers 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 no wise affected by this Act.

**SECTION 3.** That the Court of General Sessions is hereby vested with the jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information, wherein the person charged with such misdemeanor offenses enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Hamilton County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

**SECTION 4.** That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial by presentment or indictment by a Grand Jury and the right to be tried by a Jury of his peers, such Courts may proceed to hear and determine said case as is provided in Section 3 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

**SECTION 5.** One of the Judges shall be available at all times for the issuance of criminal and civil warrants, the examination and hearing of persons charged with any criminal offense, the taking and filing bail for the appearance of the accused, or ordering their discharge or commitment to prison, as required by law.

As amended by:

Private Acts of 1951, Chapter 119

**SECTION 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 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.

**SECTION 7.** That the laws now regulating pleading and practice, stay of judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judges of said Court.

Any party may appeal from an adverse decision to the Circuit Court of Hamilton County, within a period of ten (10) days upon complying with the law as now provided for appeals from Justices of the Peace courts, provided, that within such time a motion for re-hearing may be filed which shall be heard by the Court as soon as practicable, and the judgment rendered thereon shall be considered the final judgement from which an appeal may be taken within a ten-day period. No execution shall issue until the expiration of ten

days from the date of final judgment.

**SECTION 8.** That the Judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases; and the Clerk by order shall equalize and assign the business of the Court among the divisions thereof. All process shall be returnable to the First Monday following the fifth day after service or [sic] process thereof.

**SECTION 9.** That in all matters the costs and fees of said Court of General Sessions 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 processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of the Justices of the Peace.

The fees and compensation, due for services rendered by the Court, shall accrue to the respective Clerks of the Court. Said costs, fees and mileage of witnesses, the fees and commissions and emoluments of the sheriff, his deputies, constables, Game Wardens and State Highway Patrolmen for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the respective clerks, and handled, accounted for, and disbursed as required by law.

**SECTION 10.** That there shall be one civil docket and one criminal docket for the Court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of Court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

The judgment of the Court shall be entered both on the warrant and docket and signed by the trial judge.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said Court until its issuance has been properly entered on said respective dockets.

**SECTION 11.** That there shall be one judge for each division of said Court with the same qualifications and terms of office as provided by the Constitution of the State of Tennessee for inferior courts; and such Judges shall take the same oath as that prescribed for Circuit Judges and Chancellors.

**SECTION 12.** That the compensation of each judge shall be an annual amount equal to the annual compensation of the Chancellors, Circuit and Criminal Court Judges holding court for the State of Tennessee in Hamilton County, such compensation to be payable in bi-weekly installments out of the ordinary funds of the county. The judges shall give all of their working time to the duties of the office and shall not engage as attorney in the practice of law.

As amended by:

Private Acts of 1949, Chapter 475  
 Private Acts of 1953, Chapter 25  
 Private Acts of 1955, Chapter 257  
 Private Acts of 1957, Chapter 394  
 Private Acts of 1967-68, Chapter 159  
 Private Acts of 1971, Chapter 135  
 Private Acts of 1967-68, Chapter 71,  
 Private Acts of 1970, Chapter 204,  
 Private Acts of 1985, Chapter 14  
 Private Acts of 1987, Chapter 106

**SECTION 13.** That the first three judges of said Court shall be elected by the qualified voters of the County, at the regular election for judicial and other civil officers on the first Thursday of August, 1942, and they shall hold office from the first day of September, 1942, for the regular term of eight (8) years.

Any person who seeks election to the office of general sessions judge in Hamilton County after the effective date of this act shall qualify with the Election Commissioners of Hamilton County as required by law in general elections and shall designate to such commissioners the division of general sessions court to which he seeks to be elected. Such candidate's name shall appear on the official ballot by the division of general sessions court previously designated and the candidate who shall receive the highest number of votes cast for judge of that division of such court shall be declared elected.

As amended by:

Private Acts of 1984, Chapter 176

**SECTION 14.** That if the Judge of a division of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold Court, and if the Judge of any other division cannot sit by interchange, then 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. The Clerk of either Circuit or Criminal Courts shall preside at said election and shall keep in his office a permanent record of the election of such special judges. Such special judges shall not be entitled to compensation for their services.

**SECTION 15.** That the judges of the five divisions of said Court may interchange with each other, when necessary, or where such interchange is for the mutual convenience, or in case of sickness, absence or other disability on the part of any such judge to hold his court, and in the case of a vacancy for any cause, either of the other judges may hold court in the division in which the vacancy exists. The Governor shall have the power to appoint some qualified person to fill such vacancy.

As amended by:

Private Acts of 1996, Chapter 192

**SECTION 16.** [This entire section was rewritten by Private Acts of 1953, Chapter 26, which was subsequently repealed by Private Acts of 1967-68, Chapter 302, which provided no new provisions for this section].

**SECTION 17.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Hamilton County to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 18.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of, or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

**SECTION 19.** That said Court shall have authority to hear and determine all undisposed of cases pending in the courts of Justices of the Peace of Hamilton County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 20.** That the Legislature expressly declares that each section 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 portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 21.** That this Act take effect as to the election of judges thirty (30) days before the first Thursday in August, 1942, and shall become in full force and effect on the first day of September, 1942, the public welfare requiring it.

Passed: January 9, 1941

## Private Acts of 1943 Chapter 37

**SECTION 1.** That Chapter 6 of the Private Acts of the General Assembly of the State of Tennessee, for the year 1941, being an Act to create a Court of General Sessions for Hamilton County, Tennessee, and providing its powers and jurisdiction be amended in the following particulars:

**SECTION 2.** That Section 2 of said Act be amended so as to provide that the jurisdiction and powers of said Court shall be co-extensive with Hamilton County, and shall extend to all claims and demands of whatsoever nature of \$1,000.00 or less in value.

**SECTION 3.** That Section 6 of said Act be amended so as to provide, that before the commencement of any civil action the plaintiff shall pay to the Clerk of the Civil Division of the Court an amount sufficient to cover the fees for the issuance of the original Summons, Writs of Attachment, Replevin or Unlawful and Forcible Entry and Detainer, Rendition of Judgment and a Fee for the serving of the process, such costs to be estimated by the Clerk of the Court.

When and in the event costs are collected from the defendant the plaintiff or the party to whom entitled shall thereupon be refunded the same; provided, however, that any resident of the State may commence and prosecute an action who is eligible to take and subscribe to the oath provided for poor persons.

**SECTION 4.** That Section 7 or [sic] said Act be amended so as to provide that any party may appeal from an adverse decision to the Circuit Court of Hamilton County within a period of five days upon complying with the law as now provided for appeals from Justice of the Peace Courts, provided within said time a motion to re-hear may be filed, which shall be heard by the Court as soon as practical, and

judgement from which an appeal may be taken within a two day period. No executions shall issue until the expiration of five days from date or original judgment, where no motion for re-hearing has been filed within said time. No execution shall issue where motion for re-hearing has been filed until two days after the action on the motion to re-hear.

Stay of judgment or execution may be entered at any time within five days of the original judgment, and within two days of final action on motion to re-hear.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 18, 1943.

## Private Acts of 1996 Chapter 192

**COMPILER'S NOTE:** Sections 1 and 2 are amendments to the Private Acts of 1941, Chapter 6, which have been incorporated into the 1941 Act, included in this publication. Section 3 is also an amendment to the 1941 Act, but does not specifically state where the amendment is to be made within the original act ; therefore, Section 3 and the remainder of the Private Acts of 1996, Chapter 192, are published in full herein.

**SECTION 3.** (a) To assist the general sessions court, the county legislative body may appoint one (1) or more judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

- (1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Tennessee Code Annotated, Title 40, Chapters 5 and 6;
- (2) Issuance of mittimus following compliance with the procedures prescribed by Tennessee Code Annotated, § 40-5-103;
- (3) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding General Sessions Judge of the County; and
- (4) Setting and approving bonds and the release on recognizance of defendants in accordance with Tennessee Code Annotated, Title 40, Chapter 11.

(b) The term of office for a Judicial Commissioner shall be established by the County Legislative Body, but such term shall not exceed four (4) years. A member of the County Legislative Body is not eligible for appointment as a Judicial Commissioner.

(c) A Judicial Commissioner shall be compensated from the general fund of the county in an amount to be determined by the County Legislative Body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a Judicial Commissioner.

**SECTION 4.** If any provision of this act or the 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 provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 5.** This act shall have no effect unless it is approved by a majority of the number of qualified voters of Hamilton County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular August election to be held on August 1, 1996, shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it. Provided, however, the ratification procedure established by this act shall not be utilized if the Hamilton County Legislative Body has approved by a two-thirds (2/3) vote by June 1, 1996, the provisions of either Private Chapter \_\_\_\_ (Senate Bill 3262 House Bill 3271) or Private Chapter \_\_\_\_ (Senate Bill 3252 House Bill 3272). For all other purposes, the provisions of the act shall be effective only upon being approved as provided in Section 3.

Passed: April 25, 1996.

## Service of Process

## Private Acts of 1996 Chapter 158

**SECTION 1.** In the General Sessions Courts in Hamilton County, civil process may be served as provided in Rules 4 and 5 of the Tennessee Rules of Civil Procedure.

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

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

Passed: March 27, 1996.

## Juvenile Court

## Private Acts of 1945 Chapter 489

**SECTION 1.** That there is hereby created and established in and for Hamilton County, Tennessee, a Court with the title and style of the Juvenile Court of Hamilton County, Tennessee. Such Court shall be a Court of Record, presided over by a Judge who shall have the qualifications hereinafter set out, and who shall be appointed or elected as hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Hamilton County, and shall devote his full time to the duties of such office of Judge, and shall have no other active business or professional activity; that there is hereby created the Office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said Court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court.

**SECTION 2.** That, when used in this Act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Hamilton County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said County.
- (c) "Child" shall mean any person who is under the age of seventeen years.
- (d) "Adult" shall mean a person who is seventeen years of age or older.
- (e) "County" shall mean Hamilton County in the State of Tennessee.
- (f) "Peace Officer" shall mean the Sheriff of Hamilton County or any of his Deputies, any Constable of said County and any Police or Truant Officer of any Municipal Corporation in said County.
- (g) The singular shall include the plural, the plural the singular, and the masculine the feminine, when not inconsistent with the intent of this Act.

**SECTION 3.** That the Court shall have exclusive original jurisdiction in said County of all cases arising in or triable in said County of any persons under the age of seventeen (17) years who may, by reason of any offense committed against the State except wherein the offense charged is an offense for which capital punishment may be inflicted; but any such case which may come before the Court wherein any person under seventeen (17) years of age is charged with murder in the first degree or rape or any other capital offense, the Court shall certify the same to the Court of General Sessions, which Court shall conduct a preliminary hearing to determine whether there is probable cause to believe the accused is guilty of the capital offense; and, if the Judge of the Court of General Sessions shall find that there is probable cause to believe that the accused is guilty of the capital offense the accused shall be bound over to the Grand Jury, and the case shall proceed in the Criminal Court. However, if the Sessions Court shall find that there is not probable cause to believe that the accused is guilty of the capital offense, as murder in the first degree, or rape, or such other capital offense, then the Court of General Sessions shall certify the case back to the Juvenile Court, and the Court will proceed to hear the case or to investigate the same as to whether the accused is guilty of some lesser and included offense, such as murder in the second degree, manslaughter or lesser offense, or some lesser offense included in the charge of rape or such other capital offense, and, in such case the Court shall proceed as in any other case wherein a person under seventeen (17) years of age is involved. It is the sense and intention of this Section of this Act to give to such Juvenile Court all the jurisdiction of a Juvenile Court in Hamilton County contemplated by the laws of Tennessee, and the Court shall have all of the jurisdiction, powers and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Sections 10269 and 10309 of the Code of

Tennessee and any other general laws of the State of Tennessee now in force and effect or hereinafter to become of force and effect; and said Court shall have exclusive original jurisdiction of all non-support and abandonment cases, wherein any person is charged with the non-support of any child under sixteen (16) years, or of his wife, or is charged with the abandonment of such child or wife and leaving the State of Tennessee, as provided by the laws of the State of Tennessee; and the Court shall have exclusive original jurisdiction:

1. Concerning any child within said County, or any case arising or triable in said County, concerning any child;

(a) Whose parent or other person legally chargeable with the care and support of such child neglects or refuses, according to his means or ability, to provide proper or necessary support, education, medical or surgical or other necessary care as contemplated by the general laws of the State, or who is abandoned by his parent or other person having the legal charge and care of such child;

(b) Whose occupation, behavior, environment or associations are injurious to the welfare of the child;

(c) Who deserts his home or is habitually disobedient or beyond control of parent or teacher or other lawful custodian;

(d) Who, being required by law to attend school, wilfully violates the rules of school or absents himself therefrom, or who in any other manner shall be charged with or designated as a delinquent as delinquent is defined, contemplated or included in the laws of the State of Tennessee.

2. To determine the custody or guardianship of the persons of any child in said County or in connection with whom any question, case or controversy may arise in said County, or any such question, case of controversy which by the general law, is triable in said County.

3. That such Court shall have original jurisdiction, concurrent with other Courts having such jurisdiction, for and in the adoption of children and for granting judicial consent to the marriage of any child when such consent is required by law;

4. That, whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases and wherein the Court is authorized so to do by provision of the general law, or to such institution otherwise made available to it through arrangements with the County or State authorities; and, where no such institution is made available to the Court, the Judge shall certify the facts and the need to such authority as may have such child committed and shall, if it is the opinion of the Judge that such care is needed, recommend the commitment of such child.

In any case within the jurisdiction of the Court, if the defendant is entitled to a trial by jury and shall demand it, or shall not waive trial by jury as provided by law, the jurisdiction of the Court shall be limited to that of a Committing Magistrate.

Nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal or Chancery Court, of any right, by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such Courts.

**SECTION 4.** That there is hereby created a Humane and Juvenile Court Commission of said County composed of twelve (12) members who shall have been bona fide residents of said County for the last three (3) years prior to their appointment and confirmation, who shall serve without compensation and who shall be at least thirty (30) years of age. Four (4) members of said Commission shall be appointed for a period of two (2) years, four (4) for a period of three (3) years, and four (4) for a period of four (4) years, and each of the members of the Board shall serve until his successor is appointed and confirmed. The first Commission shall consist of the following named persons, to-wit:

Phil B. Whitaker, S. K. Johnston, Mrs. Thorne Sparkman, and A. C. Kamin, who are appointed for a period of two (2) years;

Mrs. W. C. Cate, Robert Rethmeyer, R. C. Jones and Booker T. Scruggs, who are appointed for a period of three (3) years;

A. J. Law, Mrs. J. H. Davenport, W. L. Scott and O. B. Hubbuch, who are appointed for a period of four (4) years. No member of the Commission shall serve more than two (2) consecutive terms. Except for the original members of the Commission, a term shall be a three (3) year period. When the term of appointment of any member or members of said Commission shall have expired, or when any vacancy in the Commission occurs by reasons of death, resignation, removal or other cause, the vacancy or

vacancies shall be filled by appointments made by the remaining members of said Commission, subject, however, to confirmation by the County Judge and County Council of Hamilton County, and if any appointment made by the Commission shall not be confirmed by the County Judge and County Council within a period of ten (10) days after notice of the appointment has been given to the County Judge and County Council such appointment shall be null and void, and thereupon it will be the duty of the remaining members of the Commission to make a new appointment or appointments, which shall likewise be subject to confirmation by the County Judge and County Council of Hamilton County.

The Humane and Juvenile Court Commission shall organize by choosing a Chairman and Secretary, and shall have power to make rules and regulations for its government, but such rules and regulations shall not be operative until approved by the County Judge and County Council of said County. The Chairman of the Humane and Juvenile Court Commission shall be a member of said Commission, but the Secretary need not be a member of said Commission.

It shall be the duty of said Commission to see to the enforcement of all laws for the purpose of prohibiting and restraining inhuman treatment of children and protecting women and children deserted by husbands and fathers.

It shall be the duty of said Commission to prepare and maintain proper detention homes for delinquent and dependent white and colored children.

The title to all property acquired by the said Humane and Juvenile Court Commission shall be vested in a Board of Trustees selected by the Humane and Juvenile Court Commission, but it shall remain under the control of said Humane and Juvenile Court Commission.

**SECTION 5.** That A. M. Pennybacker shall be the Judge of the Juvenile Court of Hamilton County to serve until the next regular election. The Judge shall then be elected by the people of the County and shall serve for a term of eight (8) years and until his successor is elected and qualified, and shall receive a salary of Twenty Two Thousand Five Hundred (\$22,500.00) Dollars per annum. Said Judge shall be not less than thirty (30) years of age. Said Judge shall take and subscribe to the same oath of office as that prescribed for other Judges of this State. The Judge shall give his entire time to the duties of this office.

In the event the Office of Judge of the Juvenile Court shall become vacant by reason of death or resignation or other cause before the expiration of the term of the Judge, the County Judge shall appoint a Judge of the Juvenile Court of Hamilton County to serve until the next regular election.

In the event of his temporary inability to serve because of illness, or other cause, the County Judge shall appoint a Temporary Judge to serve during the period of such disability.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the government of the Juvenile Court, to fix the times and place at which said Court shall meet and prescribe the sessions at which all persons in the jurisdiction of the said Juvenile Court shall have their cases set for trial.

All monies derived from fines assessed upon conviction of any persons by the Judge shall be carried into the County Treasury of said County.

As amended by: Private Acts of 1957, Chapter 287  
Private Acts of 1967-68, Chapter 287  
Private Acts of 1972, Chapter 404  
Private Acts of 1974, Chapter 338

**SECTION 5-A.** The Judge of the Juvenile Court of Hamilton County shall receive, in addition to his salary set by law; the sum of Fifteen Hundred (\$1,500.00) Dollars per annum, to be used by said Judge, at his discretion, in carrying on the non-judicial functions incident to his office as judge. The County Council of Hamilton County shall appropriate said sum of Fifteen Hundred Dollars (\$1,500.00) per annum for said purpose, and Hamilton County shall pay said sum to said Judge.

As amended by: Private Acts of 1963, Chapter 289

**SECTION 5-B.** Beginning September 1, 1974 the compensation of the Judge of the Juvenile Court of Hamilton County shall be the base salary fixed in this law adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States department of commerce [sic], between that of the calendar year 1973 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1974 and on September 1 every year thereafter for the ensuing year commencing September 1. The base salary per year shall be eighteen thousand five hundred (\$18,500.00) dollars.

As amended by: Private Acts of 1973, Chapter 140

**SECTION 5-C.** (a) Beginning September 1, 1982, the total compensation of the judge of the juvenile court of Hamilton County shall be sixty thousand dollars (\$60,000) a year. The amount of compensation established in this subsection shall be the total compensation of the judge of the juvenile court of

Hamilton County, and any other supplement or adjustment previously authorized shall be null and void.

(b) This act shall become effective upon the swearing in of the newly-elected or re-elected judge of the juvenile court of Hamilton County, following the termination of the present eight (8) year term in the year 1982.

As amended by: Private Acts of 1982, Chapter 381

**SECTION 6.** That the Judge shall appoint and designate the titles of a Chief Administrative Officer, hereinafter referred to as the Director, who, with the approval of the Judge, shall appoint and designate the titles of a sufficient number of technical and professional assistants and other employees to carry on the professional, clerical and other non-judicial work of the Court. The Director and other employees shall be appointed from lists of eligible persons established through examinations conducted by the Humane and Juvenile Court Commission. Such examinations shall have reference to education, previous experience, ability, personality, character and special aptitude for the work to which they are assigned. An employee of the Court may be removed, discharged or reduced in pay or position only after he has been given the reasons therefor in writing and afforded an opportunity to be heard before the Judge in answer thereto.

Any one of the employees of the Court named in this Section may be designated by the Judge to act as Clerk of the said Court in addition to his other duties.

Said officers and employees shall have the powers of peace officers except they shall not serve process in civil cases unless arising in this Court.

**SECTION 7.** That the Director under the general supervision of the Judge shall organize, direct and develop the administrative work of the Court, including the social, financial and clerical work, and he shall perform such other duties as the Judge shall direct. The technical and professional employees shall have charge of cases assigned to them for investigation or treatment and shall perform such other duties as may be assigned to them by the Director.

**SECTION 8.** That whenever any person informs the Court that a child is within the purview of this Act, the Court shall make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the Court may make such informal adjustment as is practicable without a petition, or may authorize a petition to be filed by any person. The proceeding shall be entitled "In the matter of \_\_\_\_\_, a child under seventeen (17) years of age."

The petition shall be verified and may upon information and belief. It shall set forth plainly (1) the facts which bring the child within the purview of this Act; (2) the name, age and residence of the child; (3) the names and residences of his parents; (4) the name and residence of his legal guardian, if there be one, (5) of the person or persons having custody or control of the child, and (6) of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

**SECTION 9.** That after a petition shall have been filed and after such further investigation as the Court may direct, unless the parties hereinafter named shall voluntarily appear, the Court shall issue a summons reciting briefly the substance of the petition and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the Court at a time and place stated. If the person so summoned shall be other than a parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the Court, the Judge may order, by endorsement upon the summons, that the Officer serving the same shall at once take the child into custody.

**SECTION 10.** That service of summons shall be made personally by the delivery of an attested copy thereof to the person summoned; provided, that if the Judge is satisfied that it is impracticable to serve personally such summons or the notice provided for in the preceding Section he may order service by registered mail addressed to the last known address, or by publication thereof, or both, as he may direct. It shall be sufficient to confer jurisdiction if service is effected at least forty-eight (48) hours before the time fixed in the summons for the return thereof.

Service of summons, process or notice required by this Act may be made by any suitable person under the direction of the Court. The Judge may authorize the payment of necessary travel expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the purview of this Act, and such expenses when approved by the Judge shall be a charge upon the County.

**SECTION 11.** That the Court shall have all the powers of the Court to cause to be brought before it by

proper process and to punish those who refuse to obey its lawful orders and to punish by summary procedure those who are guilty of contempt as the same is defined by law, when such contempt is in the presence of the Court; and that for the purpose of compelling the attendance of witnesses and others whose presence in Court is necessary, and to enforce its lawful orders, judgments and decrees, the Court shall have all the power and authority to issue attachments and other processes to bring such persons before the Court.

**SECTION 12.** Whenever a child is taken into custody, unless it is impracticable or inadvisable or has been otherwise ordered by the Court, he shall be released to the custody of a parent, guardian or custodian, upon the written promise of such parent, guardian or custodian to bring the child to the Court at the time fixed. If not so released such child shall be taken immediately to the Court or to the place of detention designated by the Court. Pending further disposition of the case, a child whose custody has been assumed by the Court may be released to the custody of a parent or other person appointed by the Court, or be detained in such place as shall be designated by the Court, subject to further order.

Nothing in this Act shall be construed as forbidding any Peace Officer from immediately taking into custody any child who is found violating any law or ordinance. In every case the Officer taking the child into custody shall immediately report the fact to the Court and the case shall then be proceeded with as provided in this Act.

No child shall be confined in any Police Station, Prison or Jail, or be transported or detained in association with criminal, vicious or dissolute persons; except that a child sixteen (16) years of age or older may, with the consent of the Judge or Director, be placed in a Jail or other place of detention for adults, but in a room or ward entirely separate from adults.

**SECTION 13.** That provisions shall be made for the temporary detention of children in a detention home, to be conducted as an agency of the Court or other appropriate public agency; or the Court may arrange for the care and custody of such children temporarily in private homes subject to the supervision of the Court, or may arrange with any institution or agency to receive for temporary care and custody children within the jurisdiction of the Court.

When a detention home is established as an agency of the Court, the Judge may appoint necessary technicians and other employees for such home in the same manner as is provided herein for the appointment of other employees of the Court, their salaries to be fixed and paid in the same manner as the salaries of other employees.

**SECTION 14.** That all cases of children shall be heard separately from the trial of cases against adults and without a jury. The hearing shall be conducted in an informal manner, and may be adjourned from time to time. Stenographic notes or other transcript of the hearing shall be required only if the Court so orders. The general public shall be excluded and only such persons admitted as have a direct interest in the case.

**SECTION 15.** If the Court shall find that the child is within the purview of this Act, it shall so decree and may by order duly entered proceed as follows:

1. Place the child on probation or under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the Court shall determine.
2. Commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children or to place them in family homes. In committing the child to a private institution or agency, the Court shall select one that is approved by the Humane and Juvenile Court Commission.
3. Order such other care and treatment as the Court may deem to be for the best interests of the child, except as herein otherwise provided. The Court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

Whenever the Court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution or agency shall give to the Court such information concerning such child as the Court may at any time require.

**SECTION 16.** That any decree or order of the Court may be modified at any time. A parent, guardian, or next friend of a child who has been committed by the Court to a public or private institution or agency, or placed in the care or guardianship of any person, may at any time file with the Court a verified petition for the release of the child. The Court, upon due notice to all concerned, shall proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency, or person, or may make a further order.

**SECTION 17.** In placing a child under the guardianship or custody of an individual or of a private agency or institution, and in granting adoption, the Court shall, whenever practicable, select a person or agency

or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

**SECTION 18.** That whenever a child is committed by the Court to custody other than that of its parents, and no provisions is otherwise made by law for the support of such child, compensation for the care of such child, when approved by order of the Court, shall be a charge upon the County when so adjudged by the Court.

**SECTION 19.** That the Court may cause any person adjudged to be within its jurisdiction to be examined by a physician, psychiatrist or psychologist.

Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the Court may order the parent or other person responsible for the care and support of such child to provide such care in a hospital or otherwise. If such parent or other person fails to provide such care, the Court may, after due notice, enter an order therefor, and the expense thereof, when approved by the Court, shall be a charge upon the County. But if the Court is of the opinion that the parent or other person is able to bear such expense and fails or refuses to do so, such person may be bound over to the Grand Jury as in other nonsupport cases.

**SECTION 20.** That in proceedings under this Act no Court or Witness Fees shall be allowed against any party to a petition, and no salaried officer of the County including the Sheriff and his salaried deputies and no salaried officers of any Municipality therein shall be entitled to receive any fee for the service or for attendance in Court in such proceedings, but all other persons acting under orders of the Court may be allowed and paid for services or service of process and attendance or serving as witnesses the fee provided by law for like services in cases before the Circuit Court, the same to be paid from the appropriation provided when certified to by the Judge.

**SECTION 21.** That all expenses incurred in complying with the provisions of this Act shall be a County charge. The salaries and other compensation of all employees of the Court shall be fixed by the Judge, within the limit of the total appropriations therefor. The Humane and Juvenile Court Commission shall present to the first meeting in April of the County Council each year a proposed budget for the operation of the Court for the next fiscal year. The County Council shall each year appropriate funds sufficient for the efficient operation of said Court.

**SECTION 22.** That the Court shall make and keep records of all cases brought before it. Such records shall be open to inspection [sic] only by order of the Court to persons having a legitimate interest therein. The Court shall devise and cause to be printed such forms for social and legal records and such other papers as may be required.

**SECTION 23.** That appeals may be prayed to the Court of Appeals upon the conditions prescribed by law from any order, decree, judgment, or decision of the Juvenile Court, except as elsewhere herein provided.

**SECTION 24.** That it is hereby made the duty of every public official or department to render all assistance and cooperation with his or its jurisdictional power which may further the objects of this Act. The Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

**SECTION 25.** That this Act shall be construed as remedial in character and shall be liberally construed to the end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and best interest of the State and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which should have been given him by them.

**SECTION 26.** (a) Beginning September 1, 1990, the total annual compensation of the judge of the juvenile court of Hamilton County shall be the same amount as the annual compensation of a judge of the criminal court or the circuit court in Hamilton County. The amount of compensation established in this subsection shall be the total compensation of the judge of the juvenile court of Hamilton County, and any other supplement or adjustment previously authorized shall be null and void.

(b) This act shall become effective upon the swearing in of the newly-elected or re-elected judge of the juvenile court of Hamilton County, following the termination of the present eight (8) year term in the year 1990.

As amended by: Private Acts of 1989, Chapter 115

**SECTION 27.** That if for any reason any word, clause, paragraph or Section of this Act shall be held unconstitutional, it shall not invalidate or affect the remainder of said Act.

**SECTION 28.** That all Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after the first Monday in April, 1945, the public welfare

requiring it.

Passed: February 28, 1945.

## Court System - Historical Notes

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

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

1. Public Acts of 1901, Chapter 154, created a board of jury commissioners for counties between 60,000 to 70,000 inhabitants, according to the Federal Census of 1900 or one subsequent, for the selection of juries, to prescribe the duties of the board, and the judges of the courts, penalties for violation of the act, for jury lists and jury boxes to be kept in each county affected and to repeal all conflicting laws.
2. Acts of 1903, Chapter 543, amended Sections 1, 7, and 8 of the above 1901 law by denying compensation to a jury commissioner for absence unless because of sickness or physical disability; limiting the time a juror would serve to two weeks, and by granting the judge authority to give a juror two weeks in which to arrange his affairs if he sought to be excused from service for business reasons. The act also changed the manner in which names of jurors were prepared for preservation on the lists.
3. Private Acts of 1915, Chapter 251, provided that in all counties having a population of not less than 89,000 and not more than 91,000 according to the Federal Census of 1910, the officers serving the circuit and criminal courts shall receive a per diem of \$4.00 per day compensation for their services, to be paid by the county.
4. Private Acts of 1919, Chapter 47, set the pay of a juror at \$3.00 per day, plus mileage or ferriage, in Hamilton County for each day's attendance at court.
5. Private Acts of 1929, Chapter 771, purportedly provided a system for the first and second divisions of the circuit and criminal courts of Hamilton County to select and impanel petit jurors. The judges of the courts could transfer the jurors between the courts as needed. The term of service was limited to three weeks, not two, and the chancellor could call on these officials for jurors for his court sessions; if the other courts were not in session, the chancellor could impanel them on his own.
6. Private Acts of 1933, Chapter 773, provided that each regular or special juror of Hamilton County shall be paid a per diem of \$2.00 plus mileage as provided by law. This act was repealed by Private Acts of 1949, Chapter 189.
7. Private Acts of 1935, Chapter 790, amended Chapter 773, above, by raising the juror's per diem to \$3.00 and mileage. This law was also repealed by Private Acts of 1949, Chapter 189.
8. Private Acts of 1949, Chapter 189, authorized all citizens serving as jurors in Hamilton County to be compensated \$5.00 per day. This act was repealed by Private Acts of 1967-68, Chapter 281.
9. Private Acts of 1967-68, Chapter 281, specifically repealed Private Acts of 1933, Chapter 773, which paid a juror \$2.00 per day and Private Acts of 1935, Chapter 790, which raised the amount to \$3.00 daily, and Private Acts of 1949, Chapter 189, which also repealed the two former acts, suspended the operation of the public law on the same subject insofar as Hamilton County was concerned and set the daily pay of a juror then at \$5.00 daily.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hamilton 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. Private Acts of 1822 (Ex. Sess.), Chapter 13, directed that the judges of the supreme court shall hold an equity court at least once each year in the several divisions of the state which included Hamilton in the eastern portion.
2. Private Acts of 1824 (Ex. Sess.), Chapter 14, authorized the appointment of two more supreme court justices who would hold chancery court in each of the divisions twice a year instead of just once. The chancery court was held at Kingston on the first Monday in June and December for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount counties.

3. Private Acts of 1827, Chapter 79, divided the state into two chancery divisions placing Hamilton in the Eastern Division, and Chapter 88 of the same year, made some changes in chancery structure but the court would continue to be at Kingston for the same counties and on the same dates.
4. Public Acts of 1827, Chapter 88, set the time of holding the chancery court for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe to the first Monday in June and December to be continued two weeks at Kingston.
5. Private Acts of 1831, Chapter 217, declared that the Kingston Chancery District be composed of Rhea, Hamilton, Roane and Morgan counties.
6. Public Acts of 1835-36, Chapter 4, created three grand chancery districts in the state, appointed three chancellors to hold court, placed Hamilton in the eighth district of the eastern division with Bledsoe, Marion and Rhea counties. The court was held in Pikeville on second Monday of June and December. The chancellors would promulgate rules of practice and appoint the various clerks and masters.
7. Acts of 1839-40, Chapter 21, Section 9, provided that suits originating in Hamilton County could be brought either in the chancery court at Pikeville or at Cleveland in Bradley County at the discretion of the complainant.
8. Private Acts of 1843-44, Chapter 151, established a chancery court in Harrison, in Hamilton County which would be held on the third Monday of March and September by the chancellor of the eastern division and which would have exclusive equity jurisdiction in the county. Private Acts of 1843-44, Chapter 169, permitted the transfer of pending causes from Pikeville and Cleveland to Harrison upon motion duly made by either party.
9. Acts of 1853-54, Chapter 54, placed Hamilton County in the fifth division of the six chancery divisions into which the state was divided.
10. Private Acts of 1857-58, Chapter 82, made the fourth and fourteenth civil districts of Hamilton County into separate chancery division for which court would be held in Chattanooga on the first Monday in January and July by the chancellor of the fifth chancery district. The clerk and master at Harrison would serve the court even if a deputy had to be appointed to keep the office open. The sheriff would see that the court had officers and causes could be transferred to Chattanooga from Harrison. The fourteenth district would bear the expense of building a courthouse.
11. Public Acts of 1857-58, Chapter 88, also contained Hamilton in the fifth chancery district of the eastern division with court terms at Harrison on the first Monday of March and September and at Chattanooga on the second Monday of January and July.
12. Private Acts of 1859-60, Chapter 59, provided that the chancery court at Harrison would be held on the second Monday of June and December instead of the first Monday of March and September and would be in the Second Division. Private Acts of 1859-60, Chapter 86, Section 3, changed court terms at Chattanooga to the fourth Monday in January and July instead of the second. Private Acts of 1859-60, Chapter 125, made all process returnable to the March term of 1860, returnable to the June, 1860, term at Harrison.
13. Public Acts of 1865-66, Chapter 8, Section 6, which was immediately after the Civil War stated that the chancery court at Harrison would be held on the third Monday of November and the second Monday of June.
14. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 47, assigned Hamilton County to the Third Chancery Division along with nine other counties and set the terms of court to begin on the first Monday of June and December.
15. Public Acts of 1870 (Ex. Sess.), Chapter 32, reorganized the chancery court judicial structure into twelve chancery districts. Hamilton, Polk, McMinn, Rhea, Cumberland, Meigs, Bledsoe, Sequatchie, Marion, Bradley, and the special court at Chattanooga compose the Third Chancery Division. Public Acts of 1870 (Ex. Sess.), Chapter 47, set court terms for the first Monday of June and December.
16. Private Acts of 1870-71, Chapter 40, changed the court terms for the chancery court in Hamilton County to the second Monday of April and October.
17. Public Acts of 1875, Chapter 132, directed the chancellor of the third chancery division to hold the circuit courts of Hamilton County and times would be set not to conflict with the holding of the chancery courts. This act was repealed by Public Acts of 1877, Chapter 161, which assigned the duty to the judge of the fourth judicial circuit.
18. Public Acts of 1883, Chapter 34, changed the court terms of the entire third chancery division altering Hamilton's to the third Monday of April and October.

19. Acts of 1885, Chapter 20, Extra Session, divided the state into eleven chancery divisions. Hamilton remained in the third division with 14 other counties and retained the same court terms as before.
20. Public Acts of 1887, Chapter 13, provided that the chancellor of the third division would hold special sessions of the circuit court without additional compensation at times which did not conflict with the chancery terms of court. Section 10 of the act scheduled court terms for the Hamilton County Chancery Court on the first Monday in April and September while also designating terms for all the other counties in the division. This act, very similar to the 1875 act above, was also repealed by Private Acts of 1889, Chapter 13.
21. Public Acts of 1889, Chapter 13, repeals the 1887 act above, and sets court terms to begin on the third Monday in April and October.
22. Acts of 1891 (Ex. Sess.), Chapter 6, detached Franklin County from the fourth chancery division and placed it in the third division, changing court terms for Bledsoe, Sequatchie and Hamilton counties which would be on the first Monday in April and October.
23. Public Acts of 1899, Chapter 427, changed the judicial structure of the state. The act created ten chancery divisions with Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Meigs, Polk and Hamilton counties in the third division. Hamilton's terms began on the third Monday in March and September.
24. Private Acts of 1911, Chapter 435, created a new twelfth chancery division, taking all the counties out of the third division except Hamilton, and placing them in the new division, adding Van Buren in Hamilton's place. Five court terms at Hamilton would start on the first Monday of February, April, June, October and December. Private Acts of 1911, Chapter 434, set up the five court terms.
25. Private Acts of 1961, Chapter 350, directed the legislative body of Hamilton County to supplement the pay of the judges of the circuit, criminal and chancery courts by \$1,800 per year which would be paid by the county but this act was rejected by the local governing body and did not become a law.

#### **Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Hamilton County. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 147, Section 2, made it lawful for the clerk and master at Harrison to appoint a deputy who resides at Chattanooga who would keep an office open there and who would have the power and authority to perform all official acts of the court and of that office.
2. Private Acts of 1859-60, Chapter 116, authorized the chancellor of the second division in the eastern section to appoint a clerk and master at Chattanooga who would give bond and operate under the same laws and regulations as the others in the state.
3. Private Acts of 1911, Chapter 348, made unmarried females over the age of 21 and residents of the county eligible for appointment as a deputy clerk and master. Marriage would cause a forfeit of the position and acceptance of the same would estop her to deny any legal liability she may have incurred while in office.
4. Public Acts of 1957, Chapter 401, amended Public Acts of 1955, Chapter 201, by granting the clerk and master of Hamilton County an additional \$1,000 annual pay for being the probate clerk of the county. Public Acts of 1967, Chapter 402, repealed this act specifically and in its entirety.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Hamilton 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. Private Acts of 1819, Chapter 72, assigned Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe to the seventh judicial circuit and the legislature would elect a judge for that circuit who would hold court at a place to be determined later on the second Monday of April and October.
2. Private Acts of 1823, Chapter 147, stated that the county court of Hamilton County would be held at the residence of John Mitchell, about one mile from the place now being used in order to alleviate the inconvenience complained of until a permanent seat of justice could be selected. The judge of the seventh judicial circuit would also hold his court here under the same conditions, the clerks to adjust process accordingly.
3. Public Acts of 1826, Chapter 38, Section 4, authorized the judge of the seventh circuit court to

hold the Hamilton County Circuit Court on Friday or as soon as the judge arrived at the place of holding the court. The jurors and witnesses summoned to attend the circuit court on Friday during the April term.

4. Private Acts of 1827, Chapter 5, changes court term times in the seventh judicial circuit for Roane, Rhea, Bledsoe, Marion, McMinn, Monroe and Hamilton counties whose terms would start on the third Monday in April and October.
5. Public Acts of 1827, Chapter 65, the courts of pleas and quarter sessions of the counties of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry and Rhea or a majority of the justices of the county court being present, shall elect by ballot three of their body to hold the said courts for that year.
6. Public Acts of 1835-36, Chapter 5, declared that circuit court would henceforth be held three times a year. The act divided the state into eleven judicial circuits and placed Hamilton in the third judicial circuit with Roane, Rhea, Meigs, Bledsoe, Marion, McMinn and Monroe counties. Court dates were the fourth Monday of March, July and November.
7. Private Acts of 1835-36, Chapter 41, repeats that the circuit courts for those counties in the third judicial circuit will be held on the days specified unless changed by the general assembly, except Meigs County which was changed by this act.
8. Acts of 1837-38, Chapter 116, divided the state into fourteen judicial circuits. Hamilton, McMinn, Bradley and Meigs counties composed the third circuit, and court terms for Hamilton started on the fourth Monday in March, the Monday after the fourth Monday in July, and the fourth Monday in November.
9. Acts of 1843-44, Chapter 155, provided that the July term of the circuit court in Hamilton County shall begin on the fourth Monday in July.
10. Acts 1855-56, Chapter 147, authorized the clerk of the circuit court and the clerk of the county court of Hamilton County to appoint a deputy, who may reside at Chattanooga.
11. Public Acts of 1857-58, Chapter 23, created a law court at Chattanooga with general common law jurisdiction in all cases arising at law of a civil or criminal character but was extended only to those cases originating in the fourth and fourteenth civil districts of Hamilton County. Terms of the court would begin on the first Mondays of February, June and October. The attorney general and circuit judge of the third judicial circuit would serve this court until different arrangements were made.
12. Public Acts of 1857-58, Chapter 98, Section 1, reorganized whole judicial structure into 16 circuits. Hamilton, Bradley, Polk, Rhea, McMinn, Meigs counties and the common law court at Chattanooga composed the fourth judicial circuit. Hamilton's courts would meet on the 4th Monday in March, July and November.
13. Private Acts of 1859-60, Chapter 86, Section 1, changed the time for holding circuit court at Harrison in Hamilton County to the first Monday in February, June and October.
14. Public Acts of 1868-69, Chapter 22, Section 16, provided that the law court of Chattanooga shall consist of three regular terms in every year beginning on the third Mondays in February, June and October, and that the court would continue attached to the fourth judicial circuit and held by the judge of that circuit.
15. Public Acts of 1869-70 (Second Extra Session), Chapter 46, reorganized the circuit court into fifteen circuits. Hamilton, McMinn, Polk, Meigs, Bradley, Rhea, Marion, Sequatchie, Bledsoe counties, and the law court at Chattanooga, comprised the fourth judicial circuit. Court terms for Hamilton would begin on the fourth Monday in March, July and November under this act but this was changed almost immediately by Public Acts of 1870, Chapter 106, to the first Monday in April, August and December.
16. Public Acts of 1869-70, Chapter 70, provided that the fifth civil district of Hamilton County would be attached to and included in the jurisdiction of the law court at Chattanooga. All laws in force in the fourth, fourteenth, seventeenth and third civil districts shall apply as well to the fifth.
17. Public Acts of 1870, Extra Session, Chapter 31, divided Tennessee into fifteen circuits but left the fourth circuit as it was constituted by the above act in item 10.
18. Public Acts of 1870, Extra Session, Chapter 46, changed Hamilton County Circuit Court terms back to the fourth Monday of March, July and November.
19. Public Acts of 1870, Extra Session, Chapter 106, changed court terms of all the fourth judicial circuit. Hamilton was given the first Monday in April, August and December and Chattanooga Law Court the second Monday in March, July and November.

20. Public Acts of 1871, Chapter 48, repealed Acts of 1870-71, Chapter 82 which conferred criminal jurisdiction on the county court of Hamilton County. Chapter 48, provided that all criminal cases pending in Hamilton County were to be transferred to the circuit court of Hamilton County.
21. Public Acts of 1875, Chapter 132, changed starting circuit court term dates to the first Monday of January, May and September, to continue as long as necessary to dispose of the court's business. This act was repealed by Public Acts of 1877, Chapter 161, insofar as the chancellor of the third division being required to hold the special terms of court.
22. Public Acts of 1883, Chapter 34, changed the court dates for the circuit court of Hamilton to the third Monday of January, May and September.
23. Acts of 1885, Chapter 20, Extra Session, organized the state into fourteen judicial circuits. Hamilton, Bradley, Polk, Meigs, Rhea, Bledsoe, Sequatchie, Marion, McMinn and James counties composed the fourth circuit.
24. Public Acts of 1887, Chapter 13, arranged for special terms to be held for the circuit court in Hamilton on the fourth Mondays of February, June and October but this act was also repealed by Public Acts of 1889, Chapter 13.
25. Public Acts of 1889, Chapter 13, Section 3, established the start of the circuit court terms in Hamilton County as the third Monday in January, May and September while also repealing Public Acts of 1887, Chapter 13.
26. Public Acts of 1889, Chapter 35, created a new seventeenth judicial circuit by taking Bradley, James, McMinn, Meigs, Monroe and Polk counties out of the third and fourth judicial circuits. The governor would appoint a judge and an attorney general for the new circuit.
27. Public Acts of 1889, Chapter 167, fixed the time to start circuit court terms in Hamilton as first Monday in January, May and September.
28. Public Acts of 1899, Chapter 427, created fourteen judicial circuits for the state. Hamilton, Franklin, Sequatchie and Marion counties are in the sixth circuit with court terms for Hamilton starting on the first Monday in January, May and September.
29. Public Acts of 1915, Chapter 18, made Hamilton County into the sixth judicial circuit and provided for the holding of the circuit and criminal courts of said circuit. This act was amended by Public Acts of 1915, Chapter 140, which changed the appearance terms to twelve for the circuit court of the sixth judicial circuit beginning on the first Mondays in each month. Chapter 140 also set three trial terms for the said court to be held on the first Mondays in January, May, and September.
30. Private Acts of 1920 (Ex. Sess.), Chapter 38, fixed the compensation of court officers serving the criminal and circuit courts in Hamilton County. This act was amended by Private Acts of 1921, Chapter 144, which fixed the compensation of court officers serving in the criminal, chancery and circuit courts by personal attendance to \$6.00 per day.
31. Private Acts of 1921, Chapter 161, declared that hereafter all the appeals of cases from Hamilton County to the supreme court, or court of appeals, would be taken to Nashville instead of to Knoxville, and the clerk at Knoxville would proceed to transfer those causes then pending to Nashville. This act was repealed by Private Acts of 1925, Chapter 90 in its entirety.
32. Private Acts of 1921, Chapter 686, set the salary of the officers serving circuit courts in Hamilton County at \$1,500 annually. This act specifically excluded those officers serving the criminal and chancery courts.
33. Private Acts of 1923, Chapter 112, excluded Hamilton County from the provisions of Public Acts of 1915, Chapter 121, which created the office of divorce proctor in all counties having a population of 100,000 or more according to the Federal Census of 1910, or subsequently.
34. Private Acts of 1925, Chapter 90, specifically repealed Private Acts of 1921, Chapter 161, which transferred cases going to the appellate courts from Knoxville to Nashville for Hamilton County.
35. Private Acts of 1929 (Ex. Sess.), Chapter 62, stipulated that in counties between 115,000 and 116,000 inhabitants census of 1920, or later, all process issued in tax suits pursuant to Public Acts of 1923, Chapter 77, may be made returnable to any term of court coming not more than six months after the issuance of the said process.
36. Public Acts of 1931 (Ex. Sess.), Chapter 38, made a sweeping reorganization of the entire judicial composition. The state was separated into twenty judicial circuits. Hamilton County became the sixth judicial circuit with court terms on the first Monday in January, May and September.
37. Public Acts of 1937, Chapter 206, amended Private Acts of 1929, Chapter 10, so as to provide that rule days of both divisions of the circuit court of Hamilton County shall be the first and third

Monday of every month of the year.

38. Private Acts of 1961, Chapter 350, directed the legislative body of Hamilton County to supplement the pay of the judges of the circuit, criminal and chancery courts by \$1,800 per year which would be paid by the county but this act was rejected by the local governing body and did not become a law.

### **Circuit Court Clerk**

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

1. Acts of 1855-56, Chapter 147, made it lawful for the circuit court clerk of Hamilton County at Harrison to appoint a deputy clerk who resides at Chattanooga who shall have power and authority to perform any and all official acts.
2. Public Acts of 1897, Chapter 124, fixed the salary of various county officials by population class, including the clerk of the circuit court.
3. Acts of 1903, Chapter 255, fixed the salary of the circuit court clerks by county population groupings and it applied to all counties. Hamilton County would pay its circuit court clerk \$2,500 annually.
4. Private Acts of 1915, Chapter 592, costs for criminal subpoenas issued by circuit court clerk for witnesses to appear before the grand juries would be made up by the clerk immediately after final adjournment of the grand jury and certified to the county judge whose duty it was to pay such costs.
5. Private Acts of 1933, Chapter 610, divided the state into four classifications by population and set the salaries of various county officials. This act was repealed by Private Acts of 1935, Chapter 75.
6. Private Acts of 1933, Chapter 772, amended the act above, Chapter 610, by creating a class 2-A into which Hamilton County would fall and among other things, set the salary of all county officials named including the circuit court clerk, at \$4,800 per year.

### **Criminal Court**

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

1. Public Acts of 1870-71, Chapter 82, noting the rapid growth of Hamilton County and that the law and chancery courts of Chattanooga were merged into the circuit and chancery courts of the county, and noting further the removal of the county seat, and concluding that it was impractical and also injurious to the rights of defendants for the circuit court to transact business on the criminal side of the court, this act conferred jurisdiction of criminal cases under the grade of grand larceny on the county court. The act set up the mechanics for the county judge to try and judge criminal cases limited only by the above. Public Acts of 1871, Chapter 48, repealed this act thus nullifying the criminal jurisdiction conferred therein.
2. Public Acts of 1871, Chapter 48, authorized the clerk of the county court of Hamilton County to make out a transcript of the record in all the criminal causes pending in said court cases and transmit the same together with the original papers to the clerk of the circuit court of Hamilton County, and the fees for the said transcript shall be taxed in the bill of cost respectively. Further, the act authorized the clerk of said court to renew bonds that required parties to appear in said county court of Hamilton and to require said parties to appear at the circuit court of Hamilton County, upon the first day of its next term.
3. Private Acts of 1961, Chapter 350, directed the legislative body of Hamilton County to supplement the pay of the judges of the circuit, criminal and chancery courts by \$1,800 per year which would be paid by the county but this act was rejected by the local governing body and did not become a law.

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

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

1. Public Acts of 1897, Chapter 24, permitted the district attorneys in circuits or districts with counties having a population of 50,000 or more, based on the 1890 Federal Census, to employ an assistant at \$1,200 per year. This act was repealed by Private Acts of 1945, Chapter 542.
2. Acts of 1905, Chapter 22, amended Public Acts of 1897, Chapter 24, to pay the assistants to the

- district attorney, in counties having a population between 60,000 and 70,000, based on the 1900 Federal Census, an annual salary of \$1,800.
3. Private Acts of 1921, Chapter 568, allowed the district attorney in counties with a population between 110,000 and 116,000, according to the Federal Census of 1920, to appoint a stenographer for clerical purposes or an officer for the service of process, or both, so long as the total expenditure did not exceed \$1,500 annually. This was left to the discretion of the attorney general. This statute was repealed by Private Acts of 1929, Chapter 769.
4. Private Acts of 1927, Chapter 515, amended the 1897 act and Acts of 1905, Chapter 22, to permit the attorney general in those circuits with counties with a population between 115,000 to 116,000, according to the Federal Census of 1920, to employ a second assistant attorney general at \$1,800 annual salary.
5. Private Acts of 1929, Chapter 128, directed the county courts of counties with a population between 110,000 to 116,000, according to the Federal Census of 1920, to appropriate and pay to the district attorney general of that county, \$1,000, to the first assistant district attorney, \$1,800, and to the second assistant district attorney, \$1,200 which would be additional compensation to all of them, same to accrue until August 1, 1929, and then paid in a lump sum, and monthly thereafter.
6. Private Acts of 1929, Chapter 129, allowed the district attorneys for counties with a population between 110,000 to 116,000, according to the Federal Census of 1920, to employ an official investigator to investigate crimes, take statements of witnesses, and otherwise do and perform as the attorney general might direct whose salary would be \$2,100 per year.
7. Private Acts of 1929, Chapter 769, specifically repealed Private Acts of 1921, Chapter 568, which authorized a stenographer for the district attorney.
8. Public Acts of 1939, Chapter 14, authorized one criminal investigator to be employed in the sixth judicial circuit.
9. Private Acts of 1939, Chapter 198, allowed the district attorney in counties with a population between 159,000 to 200,000, according to the Federal Census of 1930, to employ a stenographer to hold office at the will and pleasure of the one appointing and to be paid \$1,350 annually in monthly installments out of county funds upon proper warrants begin draw. This act was repealed by Private Acts of 1967-68, Chapter 160.
10. Private Acts of 1943, Chapter 124, amended Chapter 198, above, by increasing the salary of the stenographer therein authorized to be employed to \$1,800 per year. This act was also specifically repealed by Private Acts of 1967-68, Chapter 160.
11. Private Acts of 1947, Chapter 542, amended Private Acts of 1939, Chapter 198, and Private Acts of 1943, Chapter 124, by increasing the salary of the Stenographer to the attorney general to \$2,100 annually, payable semi-monthly, and was repealed by Private Acts of 1967-68, Chapter 160.
12. Private Acts of 1953, Chapter 112, authorized the county court in counties having a population between 206,000 to 209,000, according to the Federal Census of 1950, in which county there is more than one criminal court to pay all the expenses incidental to the operation of the attorney general's office upon warrant of the county judge drawn on the county trustee.
13. Private Acts of 1953, Chapter 482, authorized counties of the state with a population between 235,000 to 240,000 according to the Federal Census of 1960, to supplement the compensation paid by the state to the district attorney general, the assistant district attorney and the criminal investigators. This act was amended by the Private Acts of 1959, Chapter 70; Private Acts of 1961, Chapter 363; Private Acts of 1967-68, Chapter 257 and Private Acts of 1969, Chapter 181. These acts amended the compensation which was given to the above mentioned positions. The act was repealed by Private Acts of 1975, Chapter 171.
14. Private Acts of 1959, Chapter 12, permitted the attorney general to employ a stenographer who would hold office at his will and pleasure, do the work he directed her to do and to pay a salary of not more than \$3,600 annually, payable semi-monthly. This act was specifically repealed by Private Acts of 1967-68, Chapter 176. This act was also repealed by Private Acts of 1975, Chapter 183.
15. Public Acts of 1959, Chapter 31, created the offices for two criminal investigators for the sixth judicial circuit to be appointed by the attorney general of the circuit at a salary of \$4,800 annually, to serve at his pleasure and perform as he directs, to be paid from the treasury of the state. This act was repealed by Public Acts of 1970, Chapter 573.

16. Private Acts of 1967-68, Chapter 160, created three positions of secretary-stenographer for the office of the district attorney general for the sixth judicial circuit. This act was amended by Private Acts of 1971, Chapter 148, which removed the \$4,800 a year salary limit for the secretary-stenographer.
17. Public Acts of 1967, Chapter 301, created the offices of two assistant district attorneys general for the sixth judicial circuit.
18. Public Acts of 1970, Chapter 572, created the offices of two additional assistant district attorneys general for the sixth judicial circuit.
19. Public Acts of 1970, Chapter 573, created three positions of criminal investigator for the office of the district attorney general for the sixth judicial circuit of the state. The criminal investigators were appointed by the district attorney general.
20. Public Acts of 1973, Chapter 376, created the office of secretary-file clerk to the office of the district attorney general of the sixth judicial circuit.
21. Private Acts of 1975, Chapter 171, authorized the county council in the sixth judicial circuit to supplement compensation paid by the state to the district attorney general, the assistant attorney general and the criminal investigators. The compensation amounts included: \$5,500 for the district attorney general; \$3,000 for five assistant district attorneys general, each and \$2,400 for three criminal investigators.
22. Private Acts of 1975, Chapter 183, authorized the position of secretary-stenographer for the office of the district attorney general for the sixth judicial circuit.
23. Public Acts of 1976, Chapter 384, authorized the acting criminal investigators of the sixth judicial circuit to have the same authority and powers as deputies of the county sheriffs.
24. Public Acts of 1976, Chapter 509, created an additional office of full-time assistant district attorney general for the sixth judicial circuit.
25. Public Acts of 1977, Chapter 426, created an additional office of criminal investigator for the district attorney general for the sixth judicial circuit.

### **General Sessions Court**

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

1. Private Acts of 1995, Chapter 48, would have amended Private Acts of 1941, Chapter 6, by creating two additional divisions of the general sessions court of Hamilton County, but the act was not approved by local officials.
2. Private Acts of 1996, Chapter 191, duplicated the Private Acts of 1996, Chapter 192, and was not adopted by the Hamilton County Legislative Body.
3. Private Acts of 2004, Chapter 81, relative to the duties of judicial commissioners was an act meant to amend Private Acts of 1996, Chapter 192 (caption of the original act has Private Acts of 1992, Chapter 192). Private Acts of 2004, Chapter 81, would have added a new subsection (5) to Section 3(a), but never received local approval.
4. Private Acts of 2004, Chapter 128, relative to judicial commissioners would have amended Private Acts of 1996, Chapter 192 by deleting Section 3 in its entirety. This act did not receive local approval.

### **Juvenile Court**

The following acts once affecting juvenile courts in Hamilton County are included herein for reference purposes.

1. Private Acts of 1911, Chapter 182, created a juvenile court for Hamilton County, defined its jurisdiction, provided for the appointment of its officers, and fixed their compensation.
2. Private Acts of 1917, Chapter 432, Section 8, was an act which actually amended Chattanooga's city charter, but Section 8 conferred police powers in the city environs upon the probation officers provided for the juvenile court in Section 8 of the 1911 act, above, and granted the officers a salary of \$100 a month from the city.
3. Private Acts of 1929, Chapter 675, created a juvenile and domestic relations court for Hamilton County, defined its jurisdiction which concerned juveniles and divorces, provided for appeals from the court's decisions, its terms, and rules of procedure; defined delinquent and dependent children in the county, and disposition of the courts. Parts of this act were declared unconstitutional by the Supreme Court in Newton v. Hamilton County, 161 Tenn. 634, 33 S.W.2d

419 (1930). The ground was that the act operated discriminately against the residents of Chattanooga tax-wise and must therefore fall.

4. Private Acts of 1935, Chapter 159, amended the above act by providing the judge of the court with a secretary to assist him at a salary of not more than \$125 per month.
5. Private Acts of 1935, Chapter 441, also created a juvenile and domestic relations court under virtually the same terms as the 1929 legislation. A different judge would preside over the court and some minor changes occurred in procedure. The court was given concurrent jurisdiction with the circuit and chancery courts in all cases of divorce.
6. Private Acts of 1945, Chapter 106, created a juvenile court for the Hamilton County but did not confer domestic relations jurisdiction upon this court as had been done in the past. This act created a humane and juvenile court commission, prescribed qualifications of the members, their duties and powers and procedures to be followed, and a self-perpetuating method of filling vacancies thereon. Section 21 of this act was amended by Private Acts of 1945, Chapter 432, requiring the county council to appropriate the money to operate this court. Chapter 489, same year, which is copied in this volume is an exact duplicate of Chapter 106. Chapter 489 has a general repealing clause which would nullify the provisions of the 1935 act relative to the juvenile court functions of the court created therein but makes no mention whatever about the domestic relations portion of the business of that court.
7. Private Acts of 1945, Chapter 432, amended Private Acts of 1945, Chapter 106, Section 21, by requiring the county council of Hamilton County to appropriate not less than \$13,000 in 1945 to operate the juvenile court for that year.
8. Private Acts of 1974, Chapter 338, was superseded by Private Acts of 1982, Chapter 301, which amended the Private Acts of 1945, Chapter 489 (reproduced in full herein).

#### **Secretarial Assistance**

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

1. Private Acts of 1927, Chapter 763, authorized the county court of Hamilton County to appropriate and pay a sum not exceeding \$1,800 per annum to a stenographer for the benefit of the chancellor holding the chancery court for the county.

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