



May 18, 2024

Chapter V - Court System

Dear Reader:

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

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

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

Sincerely,

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

Table of Contents

Chapter V - Court System 3
Juvenile Court 3
Private Acts of 1982 Chapter 304 3
Court System - Historical Notes 4

Chapter V - Court System

Juvenile Court

Private Acts of 1982 Chapter 304

SECTION 1. As used in this Act, unless the contest otherwise requires:

- (a) "Court" means the Juvenile Court of Hawkins County.
 - (b) "Judge" means the Judge of the Juvenile Court of Hawkins County.
 - (c) "Clerk" means the Circuit Court Clerk or Deputy Clerk of Hawkins County.
- As amended by: Private Acts of 1987, Chapter 17

SECTION 2. Effective September 1, 1982, there is created in Hawkins County a Juvenile Court to be known and styled as the Juvenile Court of Hawkins County. Such court shall be a court of record and shall be presided over by a judge who shall have the qualifications and salary provided by this Act.

SECTION 3. At the next regular election for county officials to be held in August, 1982, and every eight (8) years thereafter, a person licensed to practice law in this state and possessing all of the other qualifications required by law for Judges of Circuit Courts, Chancery Courts and Criminal Courts shall be elected Judge of the Juvenile Court of Hawkins County for a term of eight (8) years. The judge shall take and subscribe to the same oath of office as that prescribed for the Judges of the Circuit, Chancery and Criminal Courts. In the event the office of judge shall become vacant by reason of death, resignation, retirement or other reason before the expiration of the term of office or before a successor is elected and qualified, such vacancy shall be filled as provided by law.

SECTION 4. The Hawkins County Circuit Court Clerk shall serve as the Clerk of the Hawkins County Juvenile Court and any of such Clerk's Deputies shall also be Deputies for the Juvenile Court created by this Act.

As amended by: Private Acts of 1987, Chapter 17

SECTION 5. That Judge and Clerk of such Juvenile Court shall have all of the jurisdiction, powers, duties, and authority of other Juvenile Court Judges and Clerks as provided in Tennessee Code Annotated, Title 37 or any other general law.

SECTION 6. The Juvenile Court and the position of Juvenile Judge shall be funded by the Hawkins County Board of Commissioners on an annual basis by budget submitted thereto or as provided by law. The Judge of the Hawkins County Juvenile Court shall receive a salary equal to the compensation of the present General Sessions Judge of Hawkins County. Annual adjustments of the Juvenile Judge's salary shall be made at the same rate as the General Sessions Judge of Hawkins County.

Private Acts of 2008, Chapter 74

As amended by:

Private Acts of 2022, Chapter 66

SECTION 7. The Judge shall serve on a full-time, five-days-per-week basis, and shall hold court as many days per week as deemed necessary to cover the caseload of the Juvenile Court. The Juvenile Judge shall not be allowed to participate in the practice of law in all other courts within the court systems and is prohibited from performing legal services in other courts.

Private Acts of 2008, Chapter 74

As amended by:

Private Acts of 2022, Chapter 66

SECTION 8. The judge is authorized to make and promulgate rules and regulations for the administration and efficient operation of the court and to fix the times and places at which all person within the jurisdiction of the court shall have their causes set for disposition.

SECTION 9. The judge shall, pursuant to the law and regulations of Hawkins County, appoint such personnel as may be necessary to efficiently carry on the business of the court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year.

SECTION 10. The Sheriff of Hawkins County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the court.

SECTION 11. The county legislative body shall provide the court with facilities adequate and sufficient to allow the court to perform its various duties as a Juvenile Court.

SECTION 12. All unfinished and pending matters in the court of courts exercising Juvenile Court jurisdiction prior to the date this act takes effect shall be transferred to the court created by this act at the

close of business on the day preceding the day this act becomes effective. On such date, all official books, records and other documents pertinent to any matter within the jurisdiction of the Juvenile Court shall be delivered to such court.

SECTION 13. Notwithstanding the provisions of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provision of the law to the contrary, for the 1982 election only, the candidates for the office of Judge of the Juvenile Court of Hawkins County shall qualify by filing nominating petitions no later than twelve o'clock (12:00) noon, prevailing time, on Thursday, May 4, 1982.

SECTION 14. 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 15. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Hawkins County. Its approval or non-approval shall be proclaimed by the presiding officer of the Hawkins County legislative body and certified by him to the Secretary of State.

SECTION 16. 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, Section 3 of this Act shall be effective upon being approved as provided in Section 14, the public welfare requiring it. The remaining sections shall become effective on September 1, 1982, if properly approved by the county legislative body of Hawkins County.

PASSED: April 8, 1982.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1903, Chapter 348, created a board of jury commissioners for Hawkins County; provided for the selection of juries; prescribed the duties of the members of said board and of the judges; punished violations of this act and provided for jury lists and jury boxes to be kept in Hawkins County. This act was amended by Acts of 1905, Chapter 217, so as to reduce the number of names selected by the board to a minimum of 250 and a maximum of 300; gave the presiding judge authority to designate jurors by name from bystanders, or other citizens, without having to resort to the full process of selection; provided additional jurors, when needed and made out a new jury list every year.
2. Private Acts of 1945, Chapter 551, provided that, in Hawkins County, every regular, special, and petit juror in all the courts and every grand juror receive the sum of \$3.00 for each day's attendance at court as a juror.
3. Private Acts of 1951, Chapter 277, increased the per diem compensation of all jurors serving in Hawkins County to \$5.00 for each day of service.
4. Private Acts of 1951, Chapter 280, provided that, in Hawkins County, the jury commissioners be paid \$5.00 per day for each day's service rendered to the commission.
5. Private Acts of 1953, Chapter 580, required the jury commission of Hawkins County to place the names of 500 qualified citizens in the jury box from which the names of jurors to attend the various courts be drawn from time to time under the existing law. The purpose of this act being to increase the maximum permissible number of names to be drawn from 300 to 500.

Chancery Court

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

1. Public Acts of 1824, Chapter 14, Section 8, provided that the chancery court for the counties of Hawkins, Sullivan, Grainger, and Claiborne be held at Rogersville on the first Mondays in May and November.
2. Public Acts of 1827, Chapter 79, divided Tennessee into two chancery divisions. The eastern division was composed of the courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville. Two chancellors would be appointed by the ballots of both divisions of the general

assembly to hold these courts, the justices of the supreme court being relieved of that responsibility.

3. Public Acts of 1827, Chapter 88, provided that the chancery courts for the counties of Hawkins, Sullivan, Grainger, and Claiborne be held at Rogersville on the first Monday in June and December.
4. Public Acts of 1835-36, Chapter 4, established chancery courts throughout the state. Hawkins County composed the third chancery district and held said court in Rogersville on the third Mondays of February and September.
5. Acts of 1837-38, Chapter 116, changed the time for holding the Hawkins County Chancery Court to the fourth Mondays in May and November.
6. Public Acts of 1857-58, Chapter 88, set the time for holding the chancery court of Hawkins County to the fourth Mondays in May and November at Rogersville.
7. Public Acts of 1865-66, Chapter 41, fixed the terms of the chancery courts of the counties in the first chancery district. The chancery court of Hawkins County met on the first Mondays in April and October.
8. Public Acts of 1866-67, Chapter 15, changed the schedule of the chancery court terms for some of the counties in the eastern chancery division. The Hawkins County Chancery Court met on the first Mondays in March and September.
9. Public Acts of 1866-67, Chapter 25, Section 5, stated that the changes of the chancery court terms in Public Acts of 1866-67, Chapter 15, would not take effect in Hawkins and Hancock counties until after the next term of court.
10. Public Acts of 1867-68, Chapter 90, created a new judicial criminal district out of the counties of Hawkins, Hancock, Johnson, Carter, Washington, Sullivan, Greene, Cocke, Jefferson, Grainger and Claiborne. The time for holding the Hawkins County Criminal Court was set for the third Mondays of January, May and September. This act was repealed by Public Acts of 1869-70, Chapter 11.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into chancery districts. The first chancery district was composed of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Claiborne, Grainger, Jefferson, Cocke, Hancock, Powell and Hamblen counties.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for holding the chancery court of Hawkins County on the first Mondays of May and November.
13. Public Acts of 1879, Chapter 16, rescheduled the terms of the chancery court of Hawkins County to the fourth Mondays in April and October.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the first chancery division and held court on the fourth Mondays in April and October.
15. Public Acts of 1891, Chapter 165, set the time for holding the chancery court of Hawkins County to the second Mondays in June and December.
16. Public Acts of 1893, Chapter 100, created the twelfth chancery division in Tennessee, which contained the counties of Hawkins, Sullivan, Hamblen, Grainger, Claiborne and Hancock. The courts of Hawkins County were held at Rogersville, commencing on the third Mondays in March and September. The governor appointed a chancellor who served until September 1, 1894, when his successor, elected in the general August election of 1894, would take office.
17. Acts of 1895 (Ex. Sess.), Chapter 20, reorganized the entire lower court system of the state. Eleven chancery divisions were formed, of which the first chancery division contained the counties of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen, and Unicoi, where the court convened on the fourth Mondays in April and October.
18. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the first chancery division and held said court on the second Mondays in April and October. This act was amended by Private Acts of 1901, Chapter 438, which placed Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott counties in the second chancery division. The chancery court for Hawkins County was set for the third Mondays in March and November.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions and prescribed the times for holding said courts. Hawkins County was placed in the second chancery division and held said court on the third Mondays in March and September.

Chancery Court Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Hawkins County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Chancery Court Clerk and Master at \$1,800.
2. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Chancery Clerk and Master at \$2,000. Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.

Circuit Court

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

1. Acts of 1809 (1st Sess.), Chapter 49, established judicial districts throughout the state. The counties of Hawkins, Greene, Washington, Carter, Sullivan, Grainger, Claiborne and Campbell composed the first judicial district. Hawkins County held its circuit court on the first Mondays in April and October.
2. Acts of 1812, Chapter 75, removed the court of appeals of the first circuit from Jonesborough, in Washington County, to Rogersville in Hawkins County.
3. Private Acts of 1823, Chapter 150, stated that when there were five Mondays in March or September, the circuit court of Hawkins County shall be opened on the fifth Monday in the said month, or either of them, bearing five Mondays and continue in session until the business of court was completed.
4. Private Acts of 1825, Chapter 199, declared that it would be lawful for the judge holding the circuit court of Hawkins County to appoint a time for holding special terms of the court for the trying of causes then pending and it would be the duty of the quarterly court of the said county to summon and provide the court with at least 26 jurors whenever a special term was set.
5. Public Acts of 1835-36, Chapter 5, created and divided the state into eleven judicial circuits. The first judicial circuit was composed of the counties of Hawkins, Sullivan, Johnson, Carter, Washington, Greene, Grainger and Claiborne. Hawkins County held said court on the second Mondays of April, August and December.
6. Acts of 1837-38, Chapter 116, changed the times for holding the Hawkins County Circuit Court on the fourth Mondays of March, July and November.
7. Acts of 1839-40, Chapter 21, provided that the circuit courts of Hawkins County be held on the fourth Mondays in January, May, and September of each and every year.
8. Acts of 1855-56, Chapter 37, changed the dates for the opening of the terms of the circuit courts in Hawkins and Hancock counties. This act set the terms of the circuit court in Hawkins County to start on the first Mondays after the fourth Mondays in January, May, and September.
9. Public Acts of 1857-58, Chapter 98, set the time for holding the circuit court of Hawkins County on the Mondays after the fourth Mondays of January, May and September.
10. Public Acts of 1866-67, Chapter 33, Section 6, set the time for holding the Hawkins County Circuit Court to the fourth Mondays in January, May and September.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Hawkins, Johnson, Hancock, Greene, Carter, Sullivan, Washington and Boone.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding the circuit court of Hawkins County on the fourth Mondays of January, May and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits and prescribed the time for holding said courts. Hawkins County was placed in the first judicial circuit and held said court on the fourth Mondays in January, May and September.
14. Public Acts of 1889, Chapter 74, fixed the times for holding the circuit court of Hawkins County to the third Mondays in January, May and September. This act was amended by Public Acts of 1895, Chapter 64, which changed the time for holding the circuit court of Hawkins County to the fourth Mondays in January, May and September.
15. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and prescribed the time for holding said courts. Hawkins County was placed in the first judicial circuit and held said court

on the second Mondays in March, July and November.

16. Acts of 1903, Chapter 198, fixed the times and places for holding the circuit courts of the first judicial circuit. The circuit court of Hawkins County remained set to the second Mondays in March, July and November. Acts of 1905, Chapter 103, amended Chapter 198 by changing the time of holding the circuit court of Hawkins County to the first Mondays in March, July and November. Private Acts of 1921, Chapter 303, reset the circuit court terms at Rogersville, for Hawkins County, to the first Mondays in March, July and November.
17. Public Acts of 1925, Chapter 35, formed a new twentieth judicial circuit out of the first judicial circuit which was made up of the counties of Hawkins, Greene, Hamblen, and Sullivan counties, leaving Johnson, Carter, Unicoi and Washington in the first judicial circuit.
18. Public Acts of 1925, Chapter 94, established new court terms for the courts in the first judicial circuit assigning the courts in Hawkins County to the first Mondays in March, July and November.
19. Public Acts of 1925, Chapter 96, stated that an election be held at all the regular polling places in Hawkins, Greene, Hamblen and Sullivan counties in order to elect a judge and an attorney-general for the twentieth judicial circuit.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last general reorganization of the state's lower judicial system to appear in the private acts volumes. The act formulated twenty judicial circuits, placing Hawkins, Sullivan, Greene, and Hamblen counties in the twentieth circuit. The time for holding said court in Hawkins County was set for the first Mondays in July, November and March.

Circuit Court Clerk

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

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,500.
2. Acts of 1903, Chapter 255, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,000.
3. Private Acts of 1929, Chapter 122, set the salary of the clerk of the circuit court of Hawkins County at \$1,500 per year to be paid as all other county expenses are paid. This act was expressly and entirely repealed by Private Acts of 1931, Chapter 36.
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Circuit Court Clerk at \$1,500. Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851, which concerned

Criminal Court

The following acts once pertained to the Hawkins 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 1867-68, Chapter 49, stated that the act passed on November 26, 1867, which created a criminal court and a criminal division in the first judicial circuit for the counties of Hawkins, Johnson, Carter, Washington, Sullivan, Greene, Cocke, Jefferson, Grainger and Claiborne be repealed as the same had applied to the counties of Jefferson, Grainger, Cocke and Claiborne. An election was held by the sheriffs of the other counties on the third Thursday in April, 1868, to elect a judge for this court.
2. Public Acts of 1867-68, Chapter 90, Section 5, declared that the counties of Hawkins, Johnson, Carter, Sullivan, Washington, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne constitute a judicial criminal division which had jurisdiction over all cases which the state was a party and which required the services of an attorney general. Hawkins County held said court on the third Mondays in January, May and September. The county court provided jurors for the court and the circuit court clerk acted as the clerk for said court. The judge of the new criminal division was elected by the people on the first Thursday in February, 1868.
3. Public Acts of 1897, Chapter 124, fixed the salary of the Hawkins County Criminal Court Clerk at \$1,500.
4. Public Acts of 1899, Chapter 427, set the time for holding the Hawkins County Criminal Court to the second Mondays in March, July and November.
5. Public Acts of 1969, Chapter 276, changed the starting dates for the criminal courts of Hawkins County from the third Mondays in February, June, and October to the first Monday in the same

months.

6. Public Acts of 1972, Chapter 515, removed the civil jurisdiction of the circuit court in Hawkins, Hamblen and Greene counties to the twenty-seventh judicial circuit, while leaving criminal jurisdiction in the twentieth circuit.

District Attorney General Assistants and Criminal Investigators

The following act once affecting Hawkins County is no longer in effect but is listed here for historical purposes.

1. Acts of 1817, Chapter 65, Section 3, divided the state into solicitorial districts. The counties of Hawkins, Grainger, Claiborne and Campbell composed the second solicitorial district.

General Sessions Court

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

1. Private Acts of 1955, Chapter 286, would have created a general sessions court for Hawkins County at Rogersville in a room to be furnished and equipped by the county and using supplies which were procured by the chairman of the county court. The governor appointed a judge of the court to serve until September 1, 1956, where his successor, elected by the people in the August, 1956, general election, would assume office. The judge's salary was set at \$4,800 a year. However, this act was rejected by the quarterly court of Hawkins County and consequently never became a law.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-38>