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Chancery Court

Dear Reader:

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

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

Sincerely,

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

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Public Acts of 1974 Chapter 547

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. In order to more equally distribute the work of the Ninth Chancery Division, there is created an additional Chancellor for such Division, who shall receive the same compensation and be subject to the same liabilities as the present Chancellor thereof. This additional Chancellor shall be elected in the regular August election in 1974 in the same manner as the present Chancellor of the Ninth Chancery Division is elected, shall take office September 1, 1974, and shall serve for the constitutional term, and until his successor is elected and qualified.

SECTION 2. Beginning with the August election, 1974 and thereafter, the two Chancellors elected by the qualified voters of the Ninth Chancery Division shall be separately designated at the Chancellor holding Part I of the Chancery Court of the Ninth Chancery Division, and the Chancellor holding Part II of the Chancery Court of the Ninth Chancery Division, and candidates for the office of Chancellor in said division in qualifying for election shall designate whether they are candidates for Part I or Part II of said Chancery Division, and shall be elected and hold office accordingly. The Chancellor selected for Part I of the Ninth Chancery Division shall preside over, (sic) and Part I of the Division shall consist of Fayette, Hardeman, Hardin, McNairy and Chester Counties. The Chancellor selected for Part II of the Ninth Chancery Division shall preside over, (sic) and Part II shall consist of Tipton, Lauderdale, Haywood and Crockett Counties.

As amended by: Public Acts of 1976, Chapter 577

SECTION 3. The Chancellor elected to hold Part I of the Ninth Chancery Division shall be deemed the Senior Chancellor and shall become the Presiding Chancellor of the Division, and as such shall have the prerogatives, powers, and duties heretofore vested in such Senior or Presiding Chancellor, and the Chancellor elected to hold Part II of said Chancery Court shall perform the duties, and have the powers, of the other or additional Chancellor, as herein provided.

SECTION 4. The Chancellor of Part I shall assign to the Chancellor of Part II such duties as may be deemed proper. Whenever either of the Chancellors shall be disqualified or incompetent to try any case assigned to him, he may transfer the same to the other Chancellor for hearing. If there be no Chancellors within the Division competent to try the case, the Presiding Chancellor shall notify the Chief Justice of the Supreme Court, who shall assign a competent Chancellor to try such case. Likewise, preliminary matters which normally would fall to either of the Chancellors, may with the consent of the Chancellor to whom they would normally fall be transferred to the other Chancellor for discharge. Either of the Chancellors may sit in interchange or by designation with any other Judge in the State as provided by statute and they may sit jointly upon the hearing of any case if the presiding Chancellor deems the same advisable.

As amended by: Public Acts of 1976, Chapter 577

SECTION 5. The presiding Chancellor of the Ninth Chancery Division, is vested with exclusive authority to make and promulgate rules of the Court in all of the Counties of the Ninth Chancery Division. The presiding Chancellor shall also have the exclusive authority to appoint Clerks and Masters as vacancies occur from time to time in such division.

SECTION 6. No decree will be invalid due to the fact that another term of the Chancery Court is in session in another county at the time of the making of said decree, it being one of the purposes of the Act to specifically authorize the holding of the Chancery Courts in two of the counties of said Division simultaneously in order to dispose of the business of the Chancery Courts of said Division with reasonable promptness.

SECTION 7. All pleadings in any of said Courts shall be addressed to the presiding Chancellor.

SECTION 8. Each of the Chancellors for said Division will be reimbursed for their respective expenses as provided by law.

SECTION 9. The additional Chancellor, whose office is created by this Act, is hereby empowered to appoint a suitable stenographer to assist him in the performance of his duties, to serve at his will and not otherwise. Such Chancellor will certify the name and address of the person so appointed, together with the date of said appointment, to the Secretary of State and said secretarial assistant will then be compensated from the date of appointment out of the State of Tennessee in the amount of four thousand eight hundred dollars (\$4,800.00) per annum payable in equal monthly installments.

SECTION 10. 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 11. For the purpose of electing an additional Chancellor for the Ninth Chancery Division as provided in Section 1, this act shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on September 1, 1974.

Passed: March 7, 1974.

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