



November 21, 2024

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# Chapter V - Court System

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

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# Chapter V - Court System

## Circuit Court

### Private Acts of 1969 Chapter 162

**SECTION 1.** That regular terms of the Circuit Court of Grainger County, with general jurisdiction to try and dispose of civil and criminal cases, shall continue to convene and be held on the Third Monday in April, August, and December of each year as now provided by law; and that, in addition to such regular terms, monthly terms of said Circuit Court shall convene and be held on the Third Monday of each and every month of the year, with jurisdiction to try and dispose of all civil cases within the jurisdiction of said Circuit Court as now defined by law, except cases in which a jury trial shall have been or shall be regularly demanded.

**SECTION 2.** That all leading process hereafter issuing from said Circuit Court in civil cases shall be made returnable to the next Third Monday of the month coming five or more days after the issuance of such process; and if, on the return day of such process, or in the first pleading tendering an issue, or on the first day of any term at which the case shall stand for trial, a jury trial shall be demanded, then the case shall automatically go over to the next regular term of said Circuit Court as distinguished from said monthly terms, and shall stand for trial in the regular way.

**SECTION 3.** That the jurisdiction of said Circuit Court at said monthly terms herein provided for shall be limited to the trial of non-jury cases, cases appealed from Justice of the Peace Courts, divorce cases and other cases involving domestic relations, equity cases coming within the jurisdiction of the Circuit Courts under the general law, and to the hearing and disposition of all issues and questions arising on demurrers, dilatory pleas, motions, and applications to amend pleadings in any civil case pending in said Court.

**SECTION 4.** That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, sentences or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted and passed even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 6.** That this act take effect from and after its passage, the public welfare requiring it.

Passed: May 7, 1969.

## Court System - Historical Notes

### Board of Jury Commissioners - Jurors

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

1. Acts of 1796 (1st Sess.), Chapter 28, placed the new county of Grainger in the Hamilton District and set the number of jurors required to be sent to the superior courts of law and equity of Hamilton District.
2. Acts of 1797, Chapter 7, apportioned the number of jurors each county of those comprising the Hamilton District should return to the superior courts of law and equity of said district. Grainger was required to return five.
3. Acts of 1798, Chapter 21, increased the number of jurors Grainger County was required to furnish the superior courts of law and equity of Hamilton District to seven.
4. Acts of 1801, Chapter 59, apportioned the number of jurors required of each county for the superior courts of law and equity of Hamilton District. Grainger County was required to send four. This act was repealed by Private Acts of 1978, Chapter 163.
5. Private Acts of 1923, Chapter 298, created a board of jury commissioners for Grainger County.
6. Private Acts of 1955, Chapter 374, set the pay of the members of the board of jury commissioners in Grainger County to \$6.00 per day.

### Chancery Court

The following acts form an outline of the development of equity jurisdiction in Grainger 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.

1. Public Acts of 1824, Chapter 14, provided that the supreme court hold chancery court for the counties of Sullivan, Hawkins, Grainger and Claiborne.
2. Public Acts of 1835-36, Chapter 4, established chancery courts in the state. The counties of Grainger, Claiborne and Campbell composed the fourth chancery district and held court at Tazewell on the fourth Mondays of February and September.
3. Acts of 1837-38, Chapter 116, changed the times of holding chancery court in the state. The chancery court of Grainger County was set to the first Mondays of June and December.
4. Acts of 1847-48, Chapter 97, provided that Grainger County would compose a chancery district and that the court would be held at Rutledge on the first Mondays of May and November of each year. This act was subsequently amended by Acts of 1847-48, Chapter 220, to provide that court would be held on the third Monday in June and December.
5. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding chancery court in the state. The Grainger County Chancery Court was set to the third Mondays of June and December at Rutledge.
6. Public Acts of 1865-66, Chapter 41, set the time for holding chancery court in Grainger County on the third Mondays of April and October.
7. Public Acts of 1870, Chapter 32, divided the state into chancery districts. The first chancery district was composed of the counties of Grainger, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Jefferson, Cocke, Powell and Hamblen.
8. Public Acts of 1870, Chapter 47, fixed the time for holding the chancery courts of the state. The chancery court of Grainger County was set for the third Mondays of April and October.
9. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery division. The first chancery division was composed of the counties of Grainger, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Jefferson, Cocke, Hamblen and Unicoi. The Grainger County Chancery Court was set for the third Mondays in April and October.
10. Public Acts of 1891, Chapter 165, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of holding the chancery court in the first chancery division. The chancery court of Grainger County was changed to the first Monday in May and November.
11. Public Acts of 1893, Chapter 100, provided for the creation of a new chancery division to be composed of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock counties. The time for holding said court was set to the fourth Monday and November for Grainger County.
12. Public Acts of 1895, Chapter 14, changed the time for holding chancery court in Grainger County to the second Monday in March and September.
13. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and set the time for holding the same. The chancery court of Grainger County was placed in the first chancery division and was held on the third Monday in May and November.
14. Private Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427 by placing Grainger County in the second chancery division and changing the times of holding said court to the second Mondays in April and October.
15. Private Acts of 1919, Chapter 342, changed the time for holding chancery court in Grainger County to the third Mondays in February and August.
16. Public Acts of 1919, Chapter 100, created the thirteenth chancery division which was composed of the counties of Grainger, Blount, Cocke, Hamblen, Jefferson, Sevier and Union. The time of holding the chancery court of Grainger County was set for the third Monday in January and July.
17. Public Acts of 1920, Chapter 5, created the thirteenth chancery division composed of the counties of Blount, Cocke, Grainger, Hamblen, Jefferson, Sevier and Union and fixed the time for holding chancery court to the third Monday of January and July for Grainger County.
18. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions. Grainger County was placed in the thirteenth chancery division in which the chancery court was set for the fourth Mondays in May and November.
19. Public Acts of 1935, Chapter 148, provided that the chancery court of Grainger County be held by the judge of the second judicial circuit, times of which were held on the second Mondays of May and November.

20. Public Acts of 1963, Chapter 371, created the fifteenth chancery division which was composed of the counties of Greene, Hamblen, Union and Grainger. The chancery court of Grainger County was held on the fourth Monday in May and November.

### **Chancery Court - Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Grainger County.

1. Acts of 1909, Chapter 226, set the compensation of the chancery court clerk and master of Grainger County at a minimum of five hundred dollars per annum.
2. Private Acts of 1913, Chapter 17, revised the minimum compensation of the chancery court clerk and master of Grainger County to seven hundred and fifty dollars per annum.

### **Circuit Court**

The following acts were once applicable to the circuit court of Grainger County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1809 (1st Sess.), Chapter 49, divided the state into five judicial circuits, placed Grainger County in the first circuit and gave the circuit court jurisdiction in all matters and causes at common law and in equity.
2. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The first judicial circuit was composed of the counties of Grainger, Greene, Washington, Carter, Johnson, Sullivan, Hawkins and Claiborne. The circuit court of Grainger County was held on the third Monday of April, August and December.
3. Acts of 1837-38, Chapter 3, amended Public Acts of 1835-36, Chapter 5. The circuit court of Grainger County became part of the twelfth circuit along with the counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell.
4. Acts of 1837-38, Chapter 116, changed the time of holding circuit courts of the state. The circuit court of Grainger County was set to the fourth Mondays of April, August and December.
5. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts of the state. The Grainger County Circuit Court was set for the fourth Mondays of April, August and December.
6. Public Acts of 1870, Chapter 31, laid the state off into judicial circuits. The second circuit was composed of the counties of Grainger, Cocke, Jefferson, Union, Sevier, Scott, Campbell, Claiborne and Hamblen.
7. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts of the state. The circuit court for Grainger County was set for the fourth Mondays in April, August and December.
8. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. The second judicial circuit was composed of the counties of Grainger, Campbell, Claiborne, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier. The time for holding the circuit court of Grainger County was set for the fourth Mondays in April, August and December.
9. Public Acts of 1889, Chapter 117, changed the time of holding circuit court in Grainger County to the first Mondays of April, August and December.
10. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. Grainger County was placed in the second judicial circuit along with Jefferson, Sevier, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union and Fentress. The circuit court for Grainger County was set for the first Monday in February, June and October.
11. Acts of 1903, Chapter 227, set the times for holding circuit courts in the second judicial circuit; Grainger County's times for holding circuit court remained the same as set in Public Acts of 1889, Chapter 117.
12. Acts of 1905, Chapter 477, reset the times for holding courts in the second judicial circuit; Grainger County times remained the same as set in Public Acts of 1889, Chapter 117.
13. Acts of 1907, Chapter 205, reset the times for holding courts in the second judicial circuit; Grainger County times remained the same as set in Public Acts of 1889, Chapter 117.
14. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into judicial circuits. Grainger County was placed in the second judicial circuit in which the time for holding the circuit court was set for the first Monday in April, August and December.
15. Public Acts of 1951, Chapter 17, fixed the time of holding the circuit court of the second judicial circuit. The circuit court of Grainger County was set for the third Mondays in April, August and December.

16. Public Acts of 1955, Chapter 19, fixed the time of holding the circuit court of the second judicial circuit. The circuit court of Grainger County was set for the third Monday in April, August and December.
17. Public Acts of 1959, Chapter 99, fixed the time of holding the circuit court of the second judicial circuit. The circuit court of Grainger County was set for the third Monday in April, August and December.

### **Circuit Court - Clerk**

The following act has no current effect, but once applied to the Grainger County Circuit Court Clerk. It was repealed, superseded, or never received local approval.

1. Private Acts of 1939, Chapter 482, set the compensation of the circuit court clerk at \$1,000 per annum.

### **Criminal Court**

The following acts once pertained to the Grainger County Criminal Court, but are no longer current law.

1. Public Acts of 1867-68, Chapter 49, repealed the above act as to Jefferson, Cocke, Grainger and Claiborne counties.
2. Public Acts of 1867-68, Chapter 90, created a judicial criminal district composed of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne counties.
3. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Grainger County Criminal Court to the fourth Mondays in April, August and December.
4. Public Acts of 1899, Chapter 427, set the time for holding the criminal court in Grainger County to the first Monday in February, June and October.
5. Private Acts of 1939, Chapter 482, set the compensation of the criminal court clerk at \$1,000 per annum.

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

The following acts once affecting Grainger County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, established solicitorial districts throughout the state. The counties of Hawkins, Grainger, Claiborne and Campbell composed the second solicitorial district.
2. Public Acts of 1931, Chapter 64, created the office of assistant attorney general in Grainger County, which at the time was in the second judicial circuit.
3. Public Acts of 1975, Chapter 253, created the office of one additional assistant district attorneys general for Grainger County, which at the time was in the second judicial circuit.
4. Public Acts of 1977, Chapter 377, created the office of full time assistant district attorney general for Grainger County, which at the time was in the second judicial circuit.

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