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# Court System - Historical Notes

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Sincerely,

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# Court System - Historical Notes

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

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

1. Acts of 1784, Laws of North Carolina, Chapter 28, Section 3, created the Washington District which consisted of the counties of Greene, Washington and Sullivan. This act also authorized Greene County to send twenty-one persons to serve as grand and petit jurors for the superior court of law and equity.
2. Private Acts of 1917, Chapter 786, amended Acts of 1903, Chapter 348, which created a board of jury commissioners, to allow Greene County to establish the same.
3. Private Acts of 1923, Chapter 393, created a board of jury commissioners for Greene County. This act differed from the provisions now found in the general law in that the board was to be composed of only two members of different political parties, appointed by the quarterly county court. This act also provided that the number of names on the jury list submitted was to be not less than one-fifth the number of voters in the past presidential election, but that the list was to be of not less than five hundred nor more than six hundred names. The original act was amended by Private Acts of 1945, Chapter 433 and again by Private Acts of 1953, Chapter 338, which raised the number of required names on the jury list to not less than nine hundred nor more than one thousand names.
4. Private Acts of 1949, Chapter 253, set the salary of jurors in Greene County at \$4.00 per day, with the foreman of the grand jury receiving a per diem of \$6.00.
5. Private Acts of 1953, Chapter 94, raised the salary of jurors to \$5.00 per day, with the foreman of the grand jury to receive \$7.00 per day.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Greene County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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, Section 8, set the terms for the chancery court in Greene County to the third Mondays in May and November.
2. Private Acts of 1826, Chapter 90, provided that chancery court in Greeneville would be held on the second Mondays in May and November.
3. Public Acts of 1827, Chapter 79, Section 3, divided the state into two chancery divisions. The chancery court at Greeneville was placed in the Eastern Division along with the chancery courts held at Rogersville, Kingston, Carthage and McMinnville.
4. Public Acts of 1827, Chapter 88, Section 3, set the times for holding the Greene County Chancery Court to the third Mondays of May and November.
5. Public Acts of 1829-30, Chapter 27, set the time for holding the Green County Chancery Court to the second Mondays of May and November.
6. Public Acts of 1835-36, Chapter 4, established chancery districts throughout the state. This act placed Greene County in the second chancery division, the courts of which were held on the second Mondays in February and September.
7. Acts of 1837-38, Chapter 116, Section 12, set the times for holding the chancery court of Greene County to the second Mondays of May and November.
8. Acts of 1847-48, Chapter 132, Section 2, provided that citizens of Greene County could file chancery bills at the court at Greeneville or the court at Dandridge.
9. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding chancery courts in the state. The chancery court of Greene County was set for the first Mondays of May and November at Greeneville.
10. Public Acts of 1865-66, Chapter 41, set the dates for holding chancery court in Greene County to the second Mondays in May and November.
11. Public Acts of 1870, Chapter 32, divided the state into chancery districts. The first chancery district was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene,

Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen.

12. Public Acts of 1870, Chapter 47, fixed the times for holding the chancery courts of the state. The chancery court of Greene County was set for the second Mondays of May and November.
13. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery divisions. Greene County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen and Unicoi counties. The chancery court of Greene County was set for the second Mondays in May and November.
14. Public Acts of 1891, Chapter 165, amended Acts of 1885 (Ex. Sess.), Chapter 20, by reorganizing the first chancery division. Greene County was placed in the first chancery division and the time for holding said court was set for the third Monday in January and July.
15. Public Acts of 1899, Chapter 427, divided the state into chancery divisions. Greene County was placed in the first chancery division and held chancery court on the fourth Monday in March and September.
16. Private Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427, by reorganizing the first and second chancery divisions. Greene County was placed in the first chancery division along with Sullivan, Johnson, Carter, Washington, Unicoi, Cocke, Jefferson, Sevier and Blount counties. The time for holding the Greene County Chancery Court was set for the fourth Mondays in March and September.
17. Private Acts of 1927, Chapter 407, set the terms of the Greene County Chancery Court on the first Mondays in May and November.
18. Private Acts of 1929, Chapter 517, detached Greene County from the first chancery division and placed it in the thirteenth chancery division.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions. Greene County was placed in the thirteenth chancery division. The time for holding said court was set for the first Mondays in May and November.
20. Public Acts of 1941, Chapter 160, amended Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, by changing the time for holding the Greene County Chancery Court to the fourth Mondays in April and October.

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

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

1. Public Acts of 1917, Chapter 47, set the salary of the Greene County Chancery Clerk to \$2,000 per annum.
2. Private Acts of 1921, Chapter 156, set the salary of the clerk and master at \$2,500 per annum, but this act was repealed by Private Acts of 1923, Chapter 629.
3. Private Acts of 1933, Chapter 826, set the maximum salary of the clerk and master at \$2,500 annually, and provided that this amount could be paid only out of the fees of that office.

### **Circuit Court**

The following acts were once applicable to the circuit court of Greene 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, divided the state into five judicial circuits and placed Greene County in the first circuit, along with Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne, and Campbell counties. This act also set the time for holding circuit court in Greene County to the first Mondays in March and September.
2. Acts of 1815, Chapter 151, changed the days for holding the Greene County Circuit Court to the last Mondays in February and August.
3. Acts of 1817, Chapter 132, changed the days for holding the Greene County Circuit Court, to the first Mondays in March and September.
4. Private Acts of 1823, Chapter 150, provided that when there were five Mondays in August, the circuit court term was to begin on the fifth Monday in August rather than on the first Monday in September.
5. Public Acts of 1824, Chapter 27, Section 2, repealed any act that provided for the holding of a special term of the Greene County Circuit Court.

6. Public Acts of 1824, Chapter 156, Section 7, authorized the circuit court of Greene County to hold a special term.
7. Public Acts of 1835-36, Chapter 5, established eleven judicial circuits throughout the state. The first judicial district was composed of the counties of Greene, Washington, Carter, Johnson, Sullivan, Hawkins, Grainger and Claiborne.
8. Acts of 1837-38, Chapter 3, amended Public Acts of 1835-36, Chapter 5, by increasing the number of judicial circuits to fourteen.
9. Acts of 1837-38, Chapter 116, changed the times of the Greene County Circuit Court and added an additional term, to be held on the second Mondays of February, June, and October.
10. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts of the state. In the first judicial circuit, Greene County held its court on the second Mondays of February, June and October.
11. Public Acts of 1870, Chapter 31, laid the state off into judicial circuits. The first judicial circuit was composed of the counties of Hancock, Hawkins, Greene, Carter, Johnson, Sullivan, Washington and Boone.
12. Public Acts of 1870, Chapter 46, fixed the times of holding the circuit courts of the state. The circuit court of Greene County was set for the second Mondays of January, May and September.
13. Acts of 1885, Ex. Sess., Chapter 20, divided the state into judicial circuits. Greene County was placed in the first judicial circuit along with Johnson, Carter, Sullivan, Washington, Unicoi, Hawkins and Hancock counties. Greene County held its circuit court on the second Mondays in February, June and October.
14. Public Acts of 1889, Chapter 74, fixed the time for holding the circuit court of Greene County to the first Mondays after the fourth Mondays in January, May and September.
15. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. Greene County was placed in the first judicial circuit. The times of holding circuit court in Greene County was set for the fourth Monday in February, June, and October.
16. Acts of 1903, Chapter 198, provided that circuit court in Greene County would begin its terms on the fourth Mondays in February, June, and October. This was amended by Private Acts of 1913, Chapter 202, to change those days to the second Mondays in March, July, and November.
17. Private Acts of 1921, Chapter 303, set the days for holding circuit and law court in Greene County on the first Mondays in April, August, and December.
18. Private Acts of 1925, Chapter 276, enabled the cities, towns, villages and other public or private corporations to locate, relocate and construct places of interment, highways and other public betterments upon being found that each proposal was in the interest of the general public by the circuit court of Greene County.
19. Public Acts of 1925, Chapter 35, placed the counties of Greene, Hawkins, Hamblen and Sullivan into the twentieth judicial circuit of Tennessee.
20. Public Acts of 1925, Chapter 94, fixed the time and place of holding the Greene County Chancery Court to the second Mondays in February, June and October at Greenville.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized Tennessee's judicial structure into fourteen chancery divisions. The thirteenth judicial circuit was composed of Cocke, Blount, Hamblen, Sevier, Greene, Jefferson, Grainger, and Union counties. The circuit court of Greene County was set for the first Monday in May and November.
22. Public Acts of 1972, Chapter 515, created the twenty-seventh judicial district which was composed of the counties of Greene, Hawkins and Hamblen. Greene County was scheduled to hold its circuit court on the first Mondays in June, October and February.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Greene County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1851-52, Chapter 64, provided that Valentine Sevier, the circuit court clerk of Greene County, was to receive \$144.62, the amount due him from the State of Tennessee for his assistance in the case against Henry Smith for passing counterfeit money.
2. Private Acts of 1911, Chapter 172, made unmarried women over the age of twenty-one eligible to serve as deputy clerks in the circuit court or any other court. This act also provided that marriage of such a female deputy would act as an immediate disqualification of that office.

3. Private Acts of 1917, Chapter 772, sets the annual salary of the circuit court clerk at \$1,200, and provided that the clerk could retain any fees collected by his office which were over and above this amount. This was amended by Private Acts of 1927, Chapter 90, which raised that salary to \$2,000 annually.
4. Public Acts of 1917, Chapter 47, set the annual salary of the Greene County Circuit Court Clerk to \$2,000.
5. Private Acts of 1933, Chapter 830, set the salary of the circuit court clerk at \$2,000 annually, and was amended by Private Acts of 1937, Chapter 23, to provide that the circuit court clerk could keep any excess fees collected by his office, over and above this amount. This act was also amended by Private Acts of 1949, Chapter 744, to raise that salary to \$2,600 annually and again by Private Acts of 1953, Chapter 551, to set his salary at \$5,000 per year.

### **Criminal Court**

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

1. Public Acts of 1867-68, Chapter 90, Section 5, created a criminal judicial district which consisted of the counties of Greene, Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Cocke, Jefferson, Grainger and Claiborne. The time for holding the Greene County Criminal Court was set for the first Mondays in March, July and November.
2. Private Acts of 1925, Chapter 131, created a separate criminal court for Washington, Greene, Unicoi, Carter, and Sullivan counties.
3. Public Acts of 1925, Chapter 16, created and established a criminal court in Greene County. The time for holding said court was set for the fourth Mondays in March, July and November in Greenville.

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

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

1. Acts of 1817, Chapter 65, Section 3, established solicitorial districts throughout the state. The first solicitorial district was composed of the counties of Greene, Washington, Carter and Sullivan.

### **General Sessions Court**

The following acts are included herein for reference purposes.

1. Private Acts of 1955, Chapter 1, attempted to create a general sessions court and clerk for Greene County, but this act was rejected by the quarterly county court and never became an effective law.
2. Private Acts of 2017, Chapter 15, amended Private Acts of 1955, Chapter 170, to create two divisions within the General Sessions Court in Greene County and establish the office of a second judge to preside over the second division. The act was not adopted by the county legislative body.

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