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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.

Sincerely,

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# Chapter V - Court System

## Juvenile Court

### Private Acts of 1982 Chapter 314

**SECTION 1.** There is hereby created and established in and for the County of Marion, Tennessee, a Court with the title and style of Juvenile Court of Marion County, Tennessee. Such Court shall be a Court of Record, presided over by a Judge who shall have the qualifications and salary as hereinafter provided.

**SECTION 2.** When used in this act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Marion County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said County.
- (c) "The Clerk" shall mean the Clerk of the County Court of said County, or Deputy Clerk.

**SECTION 3.** The Judge and the Clerk shall have all of the powers, duties, and authority of a Juvenile Court Judge and Clerk as stated in Tennessee Code Annotated, Title 37, and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

**SECTION 4.** At the next regular election of County officers to be held in August, 1982, a person duly qualified shall be elected for a term of eight (8) years as will all other Judges of the State.

**SECTION 5.** Effective September 1, 1990, the salary of the Judge of the Juvenile Court shall be at all times sixty percent (60%) of the salary authorized for the General Sessions Judge of Marion County. As amended by: Private Acts of 1990, Chapter 157

**SECTION 6.** The Judge is authorized and empowered to make and promulgate rules and regulations for the administration of the Court, and to fix the times and places at which all persons in the jurisdiction of the Court shall have their causes set for trial.

**SECTION 7.** In the event the office of the Judge shall become vacant by reason of death, resignation, retirement, or other causes before the expiration of the term of office, the vacancy shall be filled as provided by law.

**SECTION 8.** The Judge shall appoint, pursuant to the laws and regulations of Marion County, such personnel as may be necessary to carry on efficiently the business of said Court within the limit of the total appropriation therefore for each fiscal year.

**SECTION 9.** The Sheriff of Marion County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

**SECTION 10.** The County legislative body shall provide adequate facilities to meet the needs of the Court in performance of its function as contemplated in Tennessee Code Annotated, Title 37.

**SECTION 11.** All unfinished and pending matters in the Court or Courts exercising Juvenile Court Jurisdiction prior to the date the act takes effect shall be transferred to the Court hereby created at the close of business on the day preceding the day this act becomes effective, and all official books, records, and all other documents whatsoever pertaining thereto shall be delivered forthwith to the Court hereby created.

**SECTION 12.** The Judge of the Juvenile Court of Marion County created by this act shall in addition to the other powers conferred on such Court have the same authority and concurrent jurisdiction of the Judges of Circuit and Chancery Courts of Marion County to issue Injunctions, Restraining Orders, and Fiats for extraordinary process directed to the Clerk of the Circuit and Chancery Courts of Marion County.

**SECTION 13.** The Juvenile Court and Youth Service Officer for the Juvenile Court of Marion County, Tennessee created by this act shall have power to serve all process issued by the Juvenile Court and to make arrest in all matters in which the Juvenile Court has jurisdiction.

**SECTION 14.** If the Judge of the Court herein created shall fail to attend or cannot preside in any pending case or for any other reason shall not be able to hold Court, he may designate in writing some person otherwise to hold such Court in his place and stead, or in default thereof a majority of Attorneys there present may elect one (1) of their number who has the qualifications of such Judge; and when such person shall have been appointed or elected he shall take the same oath and have the same authority as the regular Judge of such Court to hold Court and perform all of the duties thereof for such occasion.

**SECTION 15.** The Juvenile Court of Marion County, Tennessee shall at all times be treated and considered

as a Court of Record. As such Court shall be in continuous Session without the intervention of any term or terms being provided herein that such Court shall be held by the Judge thereof at such time and such period that shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

**SECTION 16.** The County Commission of Marion County, Tennessee, shall annually appropriate from the general fund of Marion County such funds that are necessary and appropriate for the orderly operation and administration of the Court herein created.

**SECTION 17.** The Judge of the Court herein created shall have all jurisdiction to punish for contempt and to issue extraordinary writs and processes as now or shall hereafter be exercised by any Judge or Chancellor or any Circuit or Chancery Court of the State of Tennessee.

**SECTION 18.** Appeals from the Court herein created, or any contests of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be to the Circuit Court of Marion County, Tennessee or such other Court as may by the general laws of the State be from time to time provided, or to such appellate Court of the State of Tennessee as may be from time to time provided by law, all according to the General Laws of the State of Tennessee.

**SECTION 19.** The Compensation of the Juvenile Judge of the Court herein created shall be payable in equal monthly installments out of the general fund of Marion County, Tennessee, and the County Commission of Marion County, Tennessee shall annually appropriate from the general fund of Marion County such funds as are necessary and appropriate for the orderly operation and administration of the Court herein created.

**SECTION 20.** Notwithstanding any provision of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provisions of the law to the contrary, for the 1982 election only, if this act is approved pursuant to Section 22 after the final date for filing nominating petitions for the 1982 regular August election, the County Election Commission of Marion County shall establish a time for filing such nominating petitions for the office of Judge of the Juvenile Court of Marion County.

**SECTION 21.** Every provision of this act is declared to be severable and should any portion of the same be held unconstitutional or invalid for any reason the same shall not affect the remainder of this act, it being the intent herein that such unconstitutionally declared portions shall be elided, and that the General Assembly declare that it would have thus enacted this act with such unconstitutional or invalid portions elided therefrom.

**SECTION 22.** This act shall not take effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Marion County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof.

**SECTION 23.** This act shall take effect, provided it shall have been approved as hereinbefore provided, the public welfare requiring it:

- (a) September 1, 1982, provided that for the purpose of filling the office of Judge herein created by election of the people it shall be effective for purposes of candidates qualifying for election thereto as of the first day for qualifying as provided by the General Election Laws of the State of Tennessee.

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 Marion County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1905, Chapter 338, established a Board of Jury Commissioners for Marion County. The Board was to be appointed by the Circuit and Criminal Judges. The act prescribed the members oath, duties and procedure for making jury list.
2. Private Acts of 1915, Chapter 487, repealed Private Acts of 1905, Chapter 338, and authorized the County Court to appoint venire of at least 42 jurors.
3. Private Acts of 1917, Chapter 28, amended the 1905 Act so as to include counties which had not less than 18,800 and not more than 18,900 inhabitants according to the Federal Census of 1910.
4. Private Acts of 1947, Chapter 233, raised the compensation of Board Members to \$10 for each day of service.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Marion 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. Acts of 1823, Chapter 259, placed Marion County in the Eighth Solicitorial District.
2. Acts of 1826, Chapter 1, annexed Marion County to the Eleventh Solicitorial District.
3. Public Acts of 1835-36, Chapter 4, established Chancery Courts throughout the State. Marion County was placed in the Eighth Chancery District, times which were held on the second Mondays of June and December at Pikeville.
4. Acts of 1851-52, Chapter 308, gave the citizens of Marion County the privilege of filing Bills of Chancery in either Pikeville or Winchester.
5. Acts of 1851-52, Chapter 329, established a Chancery Court at Jasper as part of the Fourth Chancery Division, and set the days for holding court.
6. Acts of 1853-54, Chapter 38, provided that Chancery Court would be held on the first Monday in March.
7. Acts of 1885 (Ex. Sess.), Chapter 20, placed Marion County in the Third Chancery Division along with Bradley, Polk, Rhea, McMinn, Hamilton, James, Monroe Meigs, Bledsoe, Sequatchie, Van Buren, Coffee and Grundy Counties.
8. Private Acts of 1911, Chapter 435, created the Twelfth Chancery Division out of a part of the Third Division. The new Division consisted of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Monroe and Van Buren, leaving Hamilton County alone in the Third Division.

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

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

1. Private Acts of 1921, Chapter 454, provided that the Clerk and Master of the Chancery Court was to be paid \$1,500 per annum, payable monthly from the fees collected from that office with any deficiency to be paid out of the County Treasury. Private Acts of 1927, Chapter 473, amended this to provide that this salary was to be in addition to the fees of the office.
2. Acts of 1931 (2nd Ex. Sess.), Chapter 38, provided that the Clerk and Master was to receive an allowance of not more than 7% of the amount collected for his services in receiving and collecting delinquent taxes.
3. Private Acts of 1939, Chapter 28, set the salary of the Clerk and Master at \$150 per month.
4. Private Acts of 1947, Chapter 844, provided that the Clerk and Master, in addition to the salary provided by law, was also entitled to receive fees accruing in delinquent tax suits.

#### **Circuit Court**

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

1. Acts of 1817, Chapter 138, changed the time for holding Circuit Court.
2. Private Acts of 1825, Chapter 139, authorized a special term of the Seventh Circuit Court for Marion County, to be held in Jasper beginning on the second Monday of July, 1826 and continuing every day except Sunday until all causes of a civil nature had been heard.
3. Acts of 1827, Chapter 5, changed the time for holding Circuit Court in Marion County.
4. Acts of 1829-30, Chapter 5, provided that appeals from Circuit Court of Marion County were to be taken to the Court of Errors and Appeals in Sparta.
5. Public Acts of 1835-36, Chapter 5, established a Circuit Court in Marion County and placed in the Third Circuit. The Circuit Court was held on the third Monday, July and November.
6. Private Acts of 1859-60, Chapter 59, attached Marion county to the Fourth Judicial Circuit and changed the time for holding court to the fourth Mondays in March, July, and November.
7. Private Acts of 1859-60, Chapter 187, set the time for holding court to the second Monday in March, July, and November.
8. Acts of 1885 (Ex. Sess.), Chapter 20, placed Marion County in the Fourth Judicial Circuit. The times of which were set on the fourth Mondays in March, July and November.
9. Public Acts of 1887, Chapter 13, changed the time for holding court to the fourth Monday in March and July and the third Monday in November.

10. Public Acts of 1899, Chapter 102, set the time for holding court to the first Monday in April, August, and December.
11. Acts of 1903, Chapter 110, detached Marion and Sequatchie Counties from the Eastern Division of the state, placing them in the Middle Division so that all appeals from their courts could be heard in the Supreme Court for the Middle Division, sitting in Nashville.
12. Acts of 1903, Chapter 131, set the time for holding court to the first Monday in April, August and December.
13. Acts of 1903, Chapter 361, created a Criminal Court Circuit for the Sixth Judicial Circuit which included Marion, Sequatchie, Franklin and Hamilton Counties. In 1915, under the provisions of Public Acts of 1915, Chapter 18, the three smaller counties were removed from the Sixth Judicial Circuit, leaving only Hamilton. In Chapter 19, Public Acts of 1915, Marion County, along with Franklin, Sequatchie, Grundy, Bledsoe, Rhea, Meigs and James, was placed in the newly-created Eighteenth Judicial Circuit which had only a Circuit Court, with no separate Criminal Court. T.C.A. 16-502 specified that the Circuit Courts in this state have exclusive original jurisdiction of all crimes and misdemeanors.
14. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit. Furthermore, the act designated the Judges of the Eighteenth Judicial Circuit as Part I and Part II and provided the prerogatives, powers, and duties of such Judges

#### **Circuit Court - Clerk**

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

1. Private Acts of 1923, Chapter 652, set the salary of the Circuit Court Clerk at \$1,200 per year. This was amended by Private Acts of 1925, Chapter 766, which raised the salary of the Circuit Court Clerk to \$1,500 per year and by Private Acts of 1927, Chapter 214, which provided that the salary would be in addition to the fees of the office.
2. Private Acts of 1939, Chapter 27, set the salary of Circuit Court Clerk at \$150 per month, plus certain fees from the office. This was amended by Private Acts of 1947, Chapter 596, to provide that criminal and misdemeanor fees would also be included.
3. Private Acts of 1957, Chapter 364, authorized the Circuit Court Clerk to hire a deputy at a salary of \$50 per month. This was repealed by Private Acts of 1967-68, Chapter 129.

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

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

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the Eighteenth Judicial Circuit.

#### **General Sessions**

The following acts once affected the general sessions court of Marion County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1833, Chapter 16, extended the laws and jurisdiction of Tennessee to its southern limits, the tract of land that at the time was occupied by the Cherokee Indians. Marion County's jurisdiction was extended to the dividing line between the Tennessee, Alabama and Georgia which consisted of lands occupied by the Cherokee Indians.
2. Private Acts of 1980, Chapter 177, provided that the General Sessions Court for Marion County would be the Juvenile and Probate Court and would have all the juvenile and probate jurisdiction and all the powers, authority, and duties incidental to the same, and all such jurisdiction which might have rested in the County Judge, or County Court, was divested and transferred. The salary of the General Sessions Court Judge was increased by \$2,000 annually for these added duties. This Act was not acted on by the Marion County Legislative Body as of August 1, 1980.
3. Private Acts of 1982, Chapter 345, provided that in addition to any compensation received pursuant to the provisions of Tennessee Code Annotated, Section 16-15-205, the Judge of the

General Sessions Court shall receive four thousand dollars (\$4,000) per annum.

4. Private Acts of 1990, Chapter 156, repealed Chapter 345 of the Private Acts of 1982.
5. Private Acts of 1998, Chapter 106, attempted to amend Private Acts of 1980, Chapter 177, which never received local ratification.

### **Juvenile Court**

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

1. Private Acts of 1980, Chapter 177, provided that the General Sessions Court for Marion County would be the Juvenile and Probate Court and would have all the juvenile and probate jurisdiction and all the powers, authority, and duties incidental to the same, and all such jurisdiction which might have rested in the County Judge, or County Court, was divested and transferred. The salary of the General Sessions Court Judge was increased by \$2,000 annually for these added duties. This Act was not ratified by the Marion County Legislative Body.
2. Private Acts of 1982, Chapter 275, created a Juvenile Court in Marion County. This act was superseded by Chapter 314 of the Private Acts of 1982.

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