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# Court System - Historical Notes

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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](http://www.ctas.tennessee.edu)

Table of Contents

<b>Court System - Historical Notes .....</b>	<b>3</b>
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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 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 Private Acts of 1915, Chapter 487, repealed Private Acts of 1905, Chapter 338, and authorized the County Court to appoint venire of at least 42 jurors.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of equity jurisdiction in Marion County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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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