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# Chapter V - Court System

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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)

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# Chapter V - Court System

## Board of Jury Commissioner - Jurors

### Private Acts of 1965 Chapter 159

**COMPILER'S NOTE:** This act is superseded by the Knox County Charter, Section 18-31, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the Knox County Commission. This act was reproduced rather than placed in the historical notes due to its importance and possible continuation by ordinance. See Knox County Charter Chapter 18, Article II.

**SECTION 1.** That there is hereby authorized to be created a Jury Law for Knox County. There is created a Board of Jury Commissioners, hereafter referred to as the Board. The members of said Board shall be appointed by the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Criminal Court. Said Board shall consist of three discreet persons who are householders and freeholders of the County, and who are not practicing Attorneys at Law, or State or County Officers, and who have no suit pending in any of the said Circuit or Criminal Courts at the time of their appointment. No more than two of the said Commissioners shall belong to the same political party. The first appointee of said Commissioners shall be appointed to serve for one (1) year, one for two (2) years and one for three (3) years; all vacancies which may occur in said Board, either from death, resignation or otherwise, shall be filled in the same manner and by the same authority as the original appointment, for a three (3) year term. Such vacancy may be filled immediately upon receipt of satisfactory notice thereof.

There is hereby created an Executive Secretary to the Board, hereafter referred to as Secretary, who shall serve as the Deputy or Executive Officer of the Judges in their administration and supervision of the Jury Law, the Secretary's duties being more fully set out hereafter.

The Clerk of the Circuit Court is hereby created the Clerk of said Board, and whenever any member of said Board shall fail, refuse, or be unable to discharge any of the duties imposed by this Act upon said Board, the two remaining members of said Board shall perform the duties required of said Board temporarily; the performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or certificate of a reputable physician that any member of said Board is unable for any reason to perform the duties required of such member.

As amended by: Private Acts of 1970, Chapter 321

**SECTION 2.** That the Jury Commissioners before entering upon the discharge of their duties, shall take and subscribe before any Judge of the Circuit or Criminal Courts the following oath:

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for Knox County to the best of my knowledge and ability, and that I will not place the name of any person on the jury list of said County, or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my knowledge solicited or had another to solicit his name to be placed on the jury list, or in the jury box, that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some Court of Justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

**SECTION 3.** That immediately after their appointment and qualification by the taking of said oath, said Jury Commissioners shall meet and organize by electing one of their members as Chairman, and by requiring the Executive Secretary and the Clerk of the Circuit Courts to take and subscribe an oath to faithfully discharge their duties as Executive Secretary and as Clerk of said Board, as required by law, and not to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some Court of this State. This oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of the Commission.

**SECTION 4.** That it shall be the duty of said Jury Commissioners to select from the tax books, permanent registration lists, and poll books of the County, the names of not less than 15,000 upright and intelligent men and women of fair character and sound judgment, resident citizens of the County, who are eligible for jury service according to the qualifications of jurors as now prescribed by law; no name shall be selected except by majority vote of the Board; said names when so compiled by said Commissioners shall be listed alphabetically, assigned an identifying number, and shall constitute the jury list for the jury box of said County and from this the venire for each term shall be pulled by lot. The Board shall certify on each page

of said list that the foregoing is the Jury List selected by it as of the date of completion of the list. The Secretary and Clerk of said Board shall then deposit numbered slips of paper containing all the numbers on the numbered list of names selected by the Board in a Jury Box. Said box shall be securely locked and sealed by the Secretary and Clerk and so kept until ordered by the Judges to break said seal and unlock said box for drawing of the venires.

For recording the said Jury List in said Book, said Clerk shall be entitled to a fee of ten cents for each name upon said list, to be paid by the County on the certificate of two or more of said Judges that said service has been rendered by said Clerk and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said Jury List and said Jury Box, and the keeping thereof, which said Clerk is required to perform under this Act.

As amended by: Private Acts of 1981, Chapter 76

**SECTION 5.** That at such time as the Judges shall determine, and in ample time before each Regular or Special Term of the Circuit and Criminal Courts, upon order of the Judges and in the presence of two or more of the Judges, the Secretary and Clerk shall unlock the Jury Box, break the seal thereof and after having well shaken same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blindfolded, such number of names as may be ordered to be taken therefrom by the Judges of said Courts from which to impanel petit and trial juries for the respective terms of said Courts.

In the event the name of a person known by the Board to have died, removed from the County, or to be mentally or physically disabled or otherwise ineligible, should be drawn from said Box, a line shall be drawn through such name and number on said Jury List. Such name and number shall be struck through with applicable notation made and the corresponding numbered slip destroyed. Additional names shall be drawn until the required number of names for the venire is obtained. The numbered slips shall be immediately applied to the Jury List and typewritten list of the venire prepared. The numbered slips shall be placed in an envelope which together with the typewritten list of the venire shall be endorsed by the Secretary and the Clerk with the date of the drawing and certified on each as the Venire for the term and Court drawn and filed by the Clerk. Said envelope shall be kept under lock and key, together with said Venire List after its use, for three years from the date of expiration of the Term for which drawn. At the expiration of said three years, the Judges may order said numbered slips placed back in the Jury Box or may order them destroyed. After preparation of the Venire List and in ample time before commencement of the Term, the Clerk shall notify by certified or regular mail the persons whose names are set out in said Venire List and this notification by certified or regular mail shall constitute a legal summons to these persons as jurors for said Term of Court. From such persons, when so summoned, the Judges shall prepare a jury calendar dividing the Term of Court into periods of not more than three weeks and shall impanel from the venire such number of names of Jurors as shall in their discretion be required for the aforesaid periods, and these shall be designated as the trial panels. Jurors assigned to each court or division shall be freely exchanged.

After service of the writ of venire facias, or after preparation of the trial panels, if by reason of a disqualification of the proposed jurors or other causes, the required number of Jurors cannot be obtained from said persons so summoned, the Judges shall have drawn from the Jury Box in open court a sufficient number of names until the trial panels are completed. This drawing need not be in the presence of the Jury Commissioners.

The Secretary and the Clerk shall note on the Jury List, provided for in Sec. 4, the date of the trial panel for which a Juror has been summoned. The inclusion of a Juror's name on a trial panel and the reporting of said Juror to said trial panel for service shall constitute jury service within the meaning of the provision herein that a Juror shall not be required to serve more than once in any three year period. Said Jury List shall be correctly posted by the Secretary and Clerk at the end of the service of each trial panel. Upon order of the Judges, any member of the Bar or public may inspect said Jury List, envelope with numbered slips or Venire List.

As amended by: Private Acts of 1981, Chapter 76

**SECTION 6.** That in the selection of a Grand Jury, the Judge or Judges of the Criminal Court, as the case may be, shall not be confined to the said Jury List, but may select members of the Grand Jury from the County at Large. To be eligible for Grand Jury service the individual must be eligible for jury service as is presently prescribed by law, and a registered voter, and must not have made any effort, directly or indirectly to become a member of such Grand Jury. The above qualifications must be determined by the Judge by asking such prospective Grand Juror, under oath, questions concerning the above qualifications.

As amended by: Private Acts of 1971, Chapter 170

Private Acts of 1973, Chapter 134.

**SECTION 7.** That whenever a Judge of the Circuit or Criminal Courts shall be satisfied that a jury in a cause pending in his Court cannot be obtained from the number of persons ordinarily summoned, the

Judge may at such time, previous to the hearing of the cause as he may deem best, cause the Jury Box to be brought into open Court and such number of names as he deems sufficient drawn by the Judge therefrom. Said jurors may be summoned as provided in Section 5 or the Sheriff may summon said persons, in the manner directed by the Judge, and the Judge shall draw from the Box until the jury is completed, provided, however, that in empaneling a petit jury, the names of the regular venire summoned for the term, who have been assigned to the regular panel in attendance, shall first be called and exhausted before calling any of the names of jurors who have been summoned as additional jurors of the special panel in the manner provided herein.

As amended by: Private Acts of 1969, Chapter 128

**SECTION 8.** That any person summoned to serve as a juror in the Circuit or Criminal Courts may present to the Judge of the Court in which he is summoned an excuse and said Judge may thereupon excuse or not excuse said persons from service, according to the sound judgement and discretion of said Judge. In the event such person shall be excused, his numbered slip may be replaced in the Jury Box, and this shall be done in the case of all persons eligible to jury service excused for any reason which in the sound judgment of the Court only temporarily exempts said person from jury service, or the said person may be placed on the venire for any subsequent Term within one year. If in the discretion of the Judge the person should be permanently excused, his slip shall be retired and his name stricken from the jury list with proper notation as to cause.

**SECTION 9.** That from time to time as may be necessary, and for the purpose of replenishing or adding to said Jury List such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners may add additional names as provided in Section 4 to said Jury List of persons eligible for jury service, and for each of said names so added to said List, shall be prepared a numbered slip and the same shall be placed in the Jury Box.

**SECTION 10.** That the operation of the Jury Law created herein shall be supervised by the Judges. The Executive Secretary, at the direction of the Judges, shall assist them in the discharge of their duties relating to said Jury Law. The duties of said Secretary, while not limited thereto, shall be: To assist in providing names from those sources specified in Section 4 for the Jury List; to serve as Secretary of the Board of Jury Commissioners and to assist said Board in arranging meetings of the Board and arranging for an individual to draw the names from the Box; in a supervisory capacity, to assist in the preparation of the Jury List, the numbered slips for the Jury Box, and after drawing of names for the venire, the preparation of the Venire List, the separation of the Venire List into trial panels for the Term, the notification to the Jurors of their period of service; the safekeeping of the numbered slips and Venire Lists and the record of jury service on the Jury List; and such other duties as the Judges shall direct. The Secretary shall receive for services a salary, the amount of which shall be set by judges presiding over courts which regularly utilize jurors.

As amended by: Private Acts of 1971, Chapter 170

Private Acts of 1981, Chapter 76.

**SECTION 11.** That it shall be a misdemeanor for any Jury Commissioner or Clerk of the Court or Secretary of the Board of Jury Commissioners or the Sheriff or any of his deputies in said County subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners or to notify any one what name or names appear on said Jury List, or appear upon regular or special venire to be summoned for use in any court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by Act. It shall also be a contempt of Court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, Secretary or any other person to hold any Jury Box except as authorized by the provisions of this Act, or to destroy, deface or remove without authority or to add any name to the Jury List, Venire List or any Jury List or to assist in or connive at any such acts, or for any custodian of a Jury Box or List to knowingly permit such acts to be done.

**SECTION 12.** That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall have the right and authority to remove any or all of such Jury Commissioners for cause and upon due hearing for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge or Judges appearing, upon giving five days notice to said Commissioners or Commissioner of the time and place of taking action thereon and the grounds therefor.

**SECTION 13.** That the Jury Commissioners provided for by this Act shall receive an amount set by the Judges for each and every day's service while actually engaged in the performance of the duties required of them in this Act. Their service will be certified by the Secretary and Clerk of the Board to the County, who will thereupon issue proper warrants for their payment by the County Trustee.

As amended by: Private Acts of 1971, Chapter 170

**SECTION 14.** That Jurors who report for service on a panel shall receive the amount provided by general law, each per day for each day of service, and a Juror shall be deemed to have served if he has reported for service on a panel.

As amended by: Private Acts of 1971, Chapter 170

**SECTION 15.** That all books and boxes and other things required by this Act to be purchased by the Secretary and the Clerk of said Board of Commissioners shall be paid for by the County in the manner now provided by law.

**SECTION 16.** That in the absence of fraud, no irregularity with respect to the provisions of this Act shall affect the validity of any action of a Grand Jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the Jury is sworn.

**SECTION 17.** That the provisions of this Act shall apply to all grand, petit, or trial juries in all Circuit and Criminal Courts of this County subject to the provisions of this Act; provided, the above provisions limiting jury service to not more than a three weeks period shall apply only to petit or trial juries; further, said limitation of jury service for not more than a three weeks period shall apply where a criminal or civil trial once commenced shall continue beyond said period, the jurors in this eventuality being required to serve until completion of the trial.

**SECTION 18.** That the Circuit and Criminal Courts that have selected petit or trial juries for the current terms under the provisions of Acts repealed by this Act, and are now in regular session, may continue the trial of cases in such courts until the end of the current terms, and organize at such subsequent term as may allow the Board to comply with this Act. Any indictments heretofore returned by Grand Juries and in all criminal cases pending in the Criminal Courts, are hereby declared legal, and the passage of this Act shall not affect in any wise any prior acts of Grand Juries or Trial Juries.

**SECTION 19.** That the Judges of said Courts may, acting within the limitations and framework of this Act, formulate, make and put into effect such procedural rules and regulations, applicable alike to all of said Courts, as may be necessary or proper to efficiently work out and put into practice the selection of juries as herein provided.

**SECTION 20.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 21.** That this Act shall take effect from and after its passage, provided that the same shall have been approved by a two-thirds majority of the Legislative Body of the County affected thereby having the jurisdiction to approve or disapprove, and its approval or disapproval shall be proclaimed and certified to the Secretary of State by the presiding officer of said Body.

Passed: March 18, 1965.

## Criminal Court

### Acts of 1907 Chapter 1

**SECTION 1.** That there is hereby created and established a Criminal Court for Knox County, to be designated and known as the "Criminal Court of Knox County." Said court shall have exclusive jurisdiction in said county of all crimes and misdemeanors, and of all criminal proceedings, indictments, presentments, prosecutions, and trials of which the Circuit Court of said county had jurisdiction up to the passage of this Act. All jurisdiction which is hereby invested in said Criminal Court is hereby taken from said Circuit Court, but the jurisdiction, power, and duties of the regular Circuit Judge of Knox County shall not be affected or reduced except as expressly provided for in this Act. The grand and petit juries for said Criminal Court shall be selected, impaneled, and organized by the Jury Commission of Knox County and under the direction of the Judge of the Criminal Court of Knox County, as provided for by law for the Circuit Court of said county.

**SECTION 2.** That the terms of said Criminal Court shall begin on the first Mondays of March, July, and November of each year.

**SECTION 3.** That there is hereby created the office of Judge of the Criminal Court of Knox County, and that as soon as this Act takes effect, or as soon thereafter as practicable, the Governor of the State shall appoint a person who is qualified under the law to hold the office of Circuit Judge in this State as Judge of the Criminal Court of Knox County, who shall hold said office until the election and qualification of his successor. An election shall be held for said office, as required by law, on the first Thursday in August, 1908, and the Judge so elected shall hold said office as in case of vacancy and until the next regular

election of judicial officers in the State and until his successor is duly elected and qualified, at which election, and every eight years thereafter, there shall be elected by the qualified voters of Knox County a Judge of said Criminal Court. The Judge of said Criminal Court shall receive the same salary as regular Circuit Judges of this State, and shall be clothed with all the general powers and have the same qualifications which are now possessed by regular Circuit Judges of this State.

**SECTION 4.** [Deleted by: Acts of 1909, Chapter 210].

**SECTION 5.** (a) That the present Clerk of the Criminal Branch of the Circuit Court of Knox County shall be the Clerk of said Criminal Court and perform all the duties and receive all the emoluments appertaining to the office of Clerk of said Criminal Court during the remainder of the term for which said Clerk has been lawfully elected and until his successor in office is duly elected and qualified; and the Attorney-general of Knox County shall discharge all the duties of Attorneygeneral in said Criminal Court and receive the compensation appertaining to his office during the remainder of the term, for which he has been duly elected.

(b) The Clerk of the Criminal Court of the County shall act as the Clerk of the Court of General Sessions for the purpose of overseeing the court's criminal docket, and when acting as Clerk of such court in that capacity shall be designated "Clerk of Court of General Sessions of Knox County, Criminal Division". Such Clerk is hereby authorized to perform the duties of the criminal division of such court. The fees, commissions and emoluments of the criminal division of such court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Criminal Court of the County. The Clerk of the Criminal Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of such office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy Criminal Court clerks.

As amended by: Private Acts of 2000, Chapter 126

**SECTION 6.** That said Criminal Court may adjourn from time to time and hold and conduct its sessions and resume its sessions, notwithstanding that any other court of record in said county of Knox may be in session, and notwithstanding that the Judge of said Criminal Court may also be presiding in another court of record in said county.

**SECTION 7.** That the County Court of Knox County shall furnish all books and necessary supplies for said Criminal Court, and shall furnish for the sittings of said Criminal Court a separate court room; and the Sheriff of said county, in person or by deputy, shall attend upon each sitting of said Criminal Court while in session.

**SECTION 8.** That the criminal cases, and all bonds, process mesne or final indictments, presentments, motions, appearances, and proceedings pending in the Criminal Branch of the Circuit Court of Knox County, when this Act takes effect, shall, by virtue of this Act and by operation of law, be and stand transferred from the Criminal Branch of the Circuit Court of Knox County to said Criminal Court of Knox County immediately upon the taking effect of this Act, and said records, proceedings, bonds, processes, indictments, presentments, and appearances shall not abate, but shall be at once filed in said Criminal Court by the Clerk thereof when this Act takes effect; and said proceedings, bonds, processes, indictments, presentments, and appearances shall not abate, but shall stand returnable to the next term of said Criminal Court after this Act takes effect.

**SECTION 9.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

**SECTION 10.** That this Act shall take effect from and after the first day of February, 1907, the public welfare requiring it.

Passed: January 22, 1907.

## District Attorney General

## Assistants and Criminal Investigators

## Public Acts of 1991 Chapter 27

**SECTION 1.** There is hereby created five (5) additional assistant District Attorneys General positions to the District Attorney General for the Sixth Judicial District; such positions shall be filled by appointment of the District Attorney General of the Sixth Judicial District, shall serve at the pleasure of such official, and

shall perform such duties as may be assigned to them by the District Attorney General. The assistant District Attorneys General positions created herein shall be filled by persons licensed to practice law in Tennessee.

**SECTION 2.** There is hereby created two (2) additional criminal investigator positions for the District Attorney General of the Sixth Judicial District. Such positions shall be filled by appointment of the District Attorney General for such judicial district, shall serve at the pleasure of such District Attorney General and shall perform such duties on behalf of Tennessee as may be assigned to them by the District Attorney General. Such criminal investigators, as part of their duties, shall investigate crime and take statements of witnesses in felony and other cases and assist in carrying out the duties of the office of the District Attorney General. The duly appointed criminal investigators shall have the same authority and power as is conferred by law upon criminal investigators by Tennessee Code Annotated, Section 16-2-508.

**SECTION 3.** There is hereby created two (2) additional secretarial positions to the District Attorney General of the Sixth Judicial District. Such secretarial positions shall be filled by appointment of such District Attorney General and shall serve at the pleasure of such official.

**SECTION 4.** The board of commissioners of Knox County shall pay from its general and available funds, if appropriated and made a part of the Knox County annual budget, the salaries of the five (5) assistant district attorneys general positions, the two (2) criminal investigator positions and the two (2) secretarial positions created by this act. The compensation of the assistant district attorneys general positions shall be in accordance with the general law and shall be paid to such assistant district attorneys general in equal monthly installments. Each assistant district attorney general shall devote full-time to their duties, as provided by general law. The compensation of the criminal investigator positions shall be in accordance with the general law and shall be paid to such investigators in equal monthly installments. The compensation of the two (2) secretarial positions shall be established and approved by the board of county commissioners and shall be paid to each such employee at a monthly rate, twice per month.

As amended by: Private Acts of 1991, Chapter 495

**SECTION 5.** 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 6.** This act shall have no effect unless it is approved by a two-thirds (b) vote of the legislative body of Knox County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Knox County and certified to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: March 11, 1991.

## General Sessions Court

### Private Acts of 1939 Chapter 54

**COMPILER'S NOTE:** The effective provisions of this act may be modified by ordinance pursuant to the Knox County Charter, Chapter 18, Article III.

**SECTION 1.** There is hereby created and established a court in and for Knox County, Tennessee, which shall be divided into five (5) divisions: One of which shall be designated Court of General Sessions, Division I, of Knox County, Tennessee, another, Court of General Sessions, Division II, of Knox County, Tennessee, another, Court of General Sessions, Division III, of Knox County, Tennessee, another, Court of General Sessions, Division IV, of Knox County, Tennessee, and the other, Court of General Sessions, Division V, of Knox County, Tennessee. The Court shall be held in Knoxville and Knox County, shall provide court rooms, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and pay for same out of the ordinary funds of said County.

There is created a Division V of the General Sessions Court of Knox County, Tennessee, and the position of General Sessions Judge to serve such Division V. Division V shall have the same jurisdiction, powers and authority as the other divisions of General Sessions Court in Knox County.

As amended by: Private Acts of 1959, Chapter 72  
Private Acts of 1995, Chapter 22

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be co-extensive with Knox



County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Knox County are hereby divested of all such jurisdiction, powers and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

**SECTION 3.** Three (3) divisions of the court shall be open for the conduct of business at the times on the days that the courthouse facilities shall be open for the conduct of the general business of the county. One judge shall be available for performance of needed judicial services for the termination of normal working hours until the opening of court on the next regular business day. Judges may hold court at the courthouse or in any other facilities provided by Knox County or the city of Knoxville for such purposes.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 4.** That before the commencement of any civil action, the plaintiff shall pay to the Clerk of said Court of General Sessions an amount sufficient to cover the fees for the issuance of the original warrant or summons, writs of attachment, replevin or unlawful and forcible entry and detainer, rendition of judgement, docketing and the fees of the officers serving such process, such costs to be estimated by the Clerk of said Court. Before the issuance of any execution, or other process, or the performance of any additional service in the case, the plaintiff or the party seeking the same shall pay to the Clerk the fees therefor. Such payment made for Court costs shall be credited at once to the party paying the same, and such costs paid as compensation for the service of officers shall become payable to them only after the return of process has been made. When, and in the event such costs are collected from the defendant, the plaintiff or the party entitled thereto, shall thereupon be refunded the same; provided, however, that any resident of this State who is eligible to take and subscribe the oath for poor persons, may, upon taking and filing such oath, commence and prosecute an action without prepayment of cost.

As amended by: Private Acts of 1947, Chapter 148

**SECTION 5.** That the laws now regulating pleading and practice; stay of and appeals from judgements, writs and processes in civil cases in the courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the judges of said Court. In order to facilitate the business of the court, all cases set for hearing upon the trial docket may be called, heard and disposed of on the designated day and hour set without the waiting period of one hour thereafter as provided for either party in cases before Justices of the Peace.

The judges of the court shall adopt in writing such rules of evidence and procedure as may be necessary to expedite the trial and disposal of cases.

As amended by: Private Acts of 1943, Chapter 395  
Private Acts of 1981, Chapter 169

**SECTION 6.** There shall be designated one of the judges of the four (4) divisions as administrative judge for the court. The administrative judge shall be responsible for the general oversight of the business of the court during the time which he serves in such capacity. In addition, he shall be responsible for the coordination of the work of the judges of the court with the judicial commissioners assigned to the court, if any, and shall certify to the county executive the hours worked and performance of said commissioners for any purpose for which the county executive asks for such certification. He shall also be responsible for scheduling the work assignments of the various judges and for coordinating the interchange between the judges necessitated by the sickness or absence of one of the judges and shall be responsible for the appointment of special judges, if needed, as provided hereinafter.

The designation as administrative judge shall be rotated between the judges of the various divisions commencing on September 1, 1981 at which time the judge with the greatest length of service as judge of the court shall be so designated and shall serve in the capacity for three (3) months, after which the judge with the second greatest length of service as judge of the court shall be so designated. The designation as administrative judge shall continue in that sequence until each of the judges of the various divisions has been so designated and served. In the event that any two (2) judges shall have the same length of service on the court, the designation as between them shall be made according to the numerical designation of their respective divisions in ascending order. Beginning on September 1, 1982 and at the beginning of each new term of the judges of the court thereafter, the rotation of the designation as administrative judge shall start anew with the judge with the greatest length of service to the court at that time being designated as administrative judge, who shall serve for a term of six (6) months in that capacity. Thereafter rotation of designation as administrative judge shall proceed, as outlined above, at six (6) month intervals throughout the remainder of the term.

In the event of unavailability of the administrative judge and an administrative decision is required, the next available judge in line to become administrative judge according to the rotation outlined above, shall be empowered to make such administrative decision in his stead.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 7.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the sheriff, and all other officers, for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the courts of Justices of the Peace. The fees and compensation, due for services rendered by the Court shall accrue to the Clerk of the Court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the sheriff and all other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 8.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets.

**SECTION 9.** That there shall be one (1) judge for each division of said Court with the same qualifications and terms of office as provided by the Constitution of the State of Tennessee for inferior courts; and such judges shall take the same oath as that prescribed for Circuit Judges and Chancellors.

**SECTION 10.** The compensation of each of said judges shall be in the amount of eighty-five percent (85%) per annum of that of the circuit and chancery judges of the state of Tennessee, including any cost of living adjustments or other adjustments to judges' compensation during their term in office, payable out of the ordinary fund of the county in equal monthly installments from and after September 1, 1982. Judges shall give all of their regular working time to the duty of their office.

As amended by:  
 Private Acts of 1947, Chapter 148  
 Private Acts of 1953, Chapter 492  
 Private Acts of 1972, Chapter 338  
 Private Acts of 1981, Chapter 169

**SECTION 11.** That the Governor shall appoint the first three (3) judges of said court, who shall serve until the first day of September, 1940, and until their successors have been elected and qualified.

Their successors shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1940, to serve until the first day of September, 1942, or until their successors are qualified. Their successors shall be elected every eight (8) years thereafter for a term of eight (8) years.

Any person who shall become a candidate for election in August, 1940, and shall hold said office from the first day of September, 1940, or thereafter, for any one of the offices of judge of said court shall designate to the Board of Election Commissioners of Knox County the division of the court to which he seeks to be elected, and the candidate who shall receive the highest number of votes cast for judge of that division of said court shall be declared elected thereto. The Judge of Division V of the General Sessions Court of Knox County shall initially be appointed as provided by law. Such appointed judge shall serve until September 1, 1996, or until such judge's successor is elected and qualified. At the regular August Election in 1996, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court until September 1, 1998, or until such judge's successor is elected and qualified. At the regular August election in 1998, and every eight (8) years thereafter, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court for a term of eight years.

The Judge of Division V of the General Sessions Court of Knox County shall have the same jurisdiction, authority, powers and receive the same compensation, payable in the same manner, as the judges of the other divisions of the General Sessions Court of Knox County.

As amended by: Private Acts of 1995, Chapter 22

**SECTION 12.** If a judge of a division of the court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, the matters coming on for hearing in that division shall be reassigned to the divisions open for business; provided, however, that the administrative judge may call for service the judge of the division not scheduled to be in session if the matters for hearing in all divisions do not appear capable of disposition during the normal working hours of the available judges. At any time the

administrative judge determines that less than three (3) judges are available for service and that appointment of a special judge is required by reason of the volume of matters coming on to be heard which are not reasonably capable of continuance, then a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (a). With concurrence of the administrative judge, a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (b). No special judge or judges shall be designated pursuant to Tennessee Code Annotated, Section 16-15-209 (b). More than twenty (20) normal business days in any one calendar year to serve for or in the stead of the judge of any one division. Special judges shall serve without pay.

As amended by: Private Acts of 1945, Chapter 326  
 Private Acts of 1967-68, Chapter 209  
 Private Acts of 1981, Chapter 169

**SECTION 13.** That the judges of the three divisions of said court may interchange with each other, when necessary, or where such interchange is for the mutual convenience, or in case of sickness, absence or other disability on the part of any such judge to hold his court, and in the case of a vacancy for any cause, either of the other judges may hold court in the division in which such vacancy exists. The Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 14.** That the Clerk of the Circuit Court of the County shall act as the Clerk of the Court of General Sessions for the purpose of overseeing the court's civil docket, and when acting as Clerk of such court in that capacity shall designated "Clerk of Court of General Sessions of Knox County, Civil Division". Such Clerk is hereby authorized to perform the duties of the civil division of such court. The fees, commissions and emoluments of the civil division of such court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of the County. The Clerk of the Circuit Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of such office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy Circuit Court clerks.

The clerk of said court and his deputies assigned thereto shall have concurrent authority with the judges to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

As amended by: Private Acts of 2000, Chapter 126

**SECTION 15.** That the sheriff of Knox County shall assign a deputy sheriff to attend the sessions of each division of said court to preserve order and wait on and serve the court. The sheriff shall receive no additional compensation for his services or those of the deputies so assigned; however, such deputy sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy sheriffs for Knox County. The clerk of said court shall certify to the County Judge of Knox County the names of deputy sheriffs so assigned to said courts. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

The Sheriff of said County, or any deputy sheriff or constable thereof, shall serve legal processes, writs and papers issued by said court with the same authority as provided by law in the other inferior courts.

**SECTION 16.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Knox County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said case is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be distributed between the three divisions of the court with an equal distribution as practicable.

**SECTION 18.** That said court shall have authority to hear and determine all undisposed of cases pending in the courts of Justices of the Peace of Knox County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act is several [sic], and that should any portion of this Act by held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 20.** That this Act shall take effect sixty (60) days after its passage, the public welfare requiring

it.

Passed: January 24, 1939.

## Juvenile Court

### Private Acts of 1913 Chapter 277

**COMPILER'S NOTE:** The Knox County Charter at Section 5.07 continued the effectiveness of this act.

**SECTION 1.** That the words and phrases used in this Act and in the proceedings pursuant thereto shall, unless the same be inconsistent with the context, be construed as follows:

1. "Court" shall mean "the Juvenile Court of Knox County or the Judge thereof."
2. "Judge" shall mean "the Judge presiding over the Juvenile Court of Knox County."
3. "County" shall mean "Knox County, in the State of Tennessee."
4. "Child" or "children" shall mean "a dependent or delinquent child as herein defined," in Knox County.
5. "Officer" shall mean "the regular probation officer or an assistant probation officer."
6. "Order" shall mean "any adjudication or direction of said court," whether interlocutory or final.
7. "Peace officer" shall mean "the Sheriff of Knox County or any of his deputies, any constable of said county, and any policeman of any municipal corporation in said county."
8. "Magistrate" shall mean "any Justice of the Peace of Knox County and any Recorder of any municipal corporation in said county."
9. "Corporation" shall mean "any municipal corporation in said county."
10. The masculine gender may also include the feminine gender, and the singular number may also include the plural number.

**SECTION 2.** That there is hereby created for Knox County a court to be known and designated as the "Juvenile Court of Knox County," to be presided over by the Recorder of the city of Knoxville, a Judge who shall be a legal voter of Knox County and who shall receive an annual salary of \$1200 payable in monthly instalments by Knox County in the manner now provided for the payment of County officials. Immediately after the passage of this Act, the Governor of the State shall appoint a Judge for said court who shall hold said office until the next regular election for civil officers in this State, at which election his successor shall be elected by the qualified voters of Knox County, and shall hold the office to which he shall then be elected until the next regular election for Judges to be held the first Thursday in August, 1918. Thereafter there shall be elected a Judge of said court by the qualified voters of Knox County as other Judges are elected in said county, who shall hold his office for the constitution period of time.

As amended by: Private Acts of 1915, Chapter 292

**COMPILER'S NOTE:** Private Acts of 1947, Chapter 763, amended Private Acts of 1925, Chapter 634, (which created the juvenile court in Knox County) by setting the salary of the judge of the juvenile and domestic relations court for Knox County to \$7,500 per annum. This act was amended by Private Acts of 1959, Chapter 39, which increased the salary of the judge of the juvenile and domestic relations court to \$10,000 per annum. None of the Private Acts specifically stated if the amendments were amending Section 2. Therefore, Section 2 was not specifically amended.

**SECTION 3.** That said court shall be a court of record, with a Clerk, who shall keep a minute record of its proceedings. The Clerk shall be the chief male probation officer hereafter provided for; he shall receive additional compensation as a Clerk. The Judge shall possess the usual constitutional and legal powers of Judges of courts of record in the exercise of the jurisdiction conferred upon the court, and the court shall have and exercise original and exclusive jurisdiction of all matters coming within the terms and provisions of this Act. This Act is to be construed liberally and as remedial in character, the powers herein conferred being intended to be general to affect the beneficial purposes herein set forth.

**SECTION 4.** That the Judge shall appoint one suitable man as chief probation officer and one suitable woman to act as probation officer of said court. Said officers shall hold office at the pleasure of the Judge and work under his direction. They shall have the powers of peace officers, except that they shall not serve process in civil cases. It shall be the duty of officers to serve the citations and other process of the court, take into custody and detain children and present them to said court for disposition, and otherwise aid the court in carrying out his orders. It shall be the duty of the officers to investigate all cases brought before the court, and also all cases reported to them or coming to their knowledge, and make written reports on same on such blanks as shall be provided for that purpose. They shall also visit the homes or places of residence of children and endeavor, as far as in their power, to remedy or remove the causes of

dependency or delinquency, and shall do and perform such duties as will effectually aid in carrying our this Act. For their services each probation officer shall receive a salary of one hundred dollars (\$100.00) per month, all of which salaries shall be paid by the County of Knox in the manner now provided for the payment of County officials.

As amended by: Private Acts of 1915, Chapter 292  
 Private Acts of 1919, Chapter 40  
 Private Acts of 1941, Chapter 412

**COMPILER'S NOTE:** Private Acts of 1915, Chapter 292 erroneously states that Section 2 should be amended However, the text in the Act refers directly to Section 4. Private Acts of 1919, Chapter 40 and Private Acts of 1941, Chapter 412 refer to the amendment in Private Acts of 1915, Chapter 292.

Furthermore, Private Acts of 1927, Chapter 231, provided that the compensation of the probation officers of the Knox County Juvenile Court be not less than \$100 per month and not more than \$150 per month. Private Acts of 1943, Chapter 201, set the compensation of the clerks, chief probation officer, officers and court assistants of the juvenile court of Knox County to be not less than \$100 per month and not to exceed \$225 per month. The salaries of were fixed by the judge of the Knox County Juvenile Court. However, neither these acts specified where the text should be placed.

**SECTION 5.** That in addition to the regular officers herein provided for, the Judge shall have the right to appoint as many assistant probation officers, male or female, as he may deem desirable, but such assistant probation officer shall serve without compensation. They shall have the same powers and perform the same duties as the regular officers. Whenever any person desires to be appointed probation officer, such person shall file a written application addressed to the Judge, and setting forth therein the experience such person may have had that would fit him or her for said office, together with references.

**SECTION \_\_\_\_.** The Clerk of the Circuit Court of Knox County shall also serve as the Clerk of the Juvenile Court of Knox County.

The Clerk of the Circuit Court of Knox County shall receive no additional compensation for his or her services as Clerk of the Juvenile Court of Knox County. The Clerk of the Juvenile Court of Knox County shall have all of the rights, duties, and responsibilities of other Clerks of Court, including Circuit and Juvenile Court Clerks. The office of Juvenile Court Clerk and Circuit Court Clerk of Knox County shall be held by the same person who shall be elected every four (4) years, beginning with the general election of August, 1990.

As amended by: Private Acts of 1989, Chapter 27  
 Private Acts of 2000, Chapter 126

**COMPILER'S NOTE:** Chapter 27 of the Private Acts of 1989 added an additional section, which Chapter 126 of Private Acts of 2000 referred to as Section 6. However, the section was never designated as Section 6 and the other sections were not renumbered. Therefore, it has been left as Section \_\_\_\_.

Furthermore, Private Acts of 2000, Chapter 126, erroneously states that the act amends Private Acts of 1933, Chapter 277, but should read that it amends Private Acts of 1913, Chapter 277.

**SECTION 6.** That a "dependent" or "delinquent" child within the meaning of this Act, shall mean any child, male or female, under sixteen years of age -

1. Who is found begging or receiving alms, whether actually begging or affecting to sell or offer for sale anything; or
2. Who is found in any road or public place so begging or receiving alms; or
3. Who is a vagrant; or
4. Who is found wandering and without home or settled place of abode, or proper guardianship, or visible means of subsistence; or
5. Who is without parent or guardian, or without parent or guardian willing and able to exercise proper parental control; or
6. Who is destitute; or
7. Whose home, through fault or misfortune of parent or guardian or custodian, is unfit for the child; or
8. Who frequents the company of reputed criminals, vagrants, or prostitutes; or
9. Who is found living or being in any house of prostitution or assignation; or
10. Who habitually visits any saloon, pool room, or place where liquors are disposed of; or
11. Who persistently refuses to obey the reasonable and proper orders or directions of his parents or guardians; or
12. Who is incorrigible, that is, beyond the control and power of parents, guardian, or custodian owing

- to his vicious conduct or nature; or
13. Whose father is dead or has abandoned his family, or is an habitual drunkard, or does not provide for him, and the child is destitute of a suitable home or of adequate means of obtaining an honest living, or who is in danger of being brought up to lead an idle or immoral life, or where both parents are dead, or the mother (the father being dead) cannot properly support and care for the child; or
  14. Who is an habitual truant within any Act to enforce the educational rights of children and providing penalties for the violation thereof at present in force or which may become in force, or who is not placed in a parental school thereunder, or who, being under sixteen, refuses to go to school as directed by parents, duly authorized guardian, or legal custodian; or
  15. Who habitually drinks intoxicating liquors, or smokes cigarettes, or who habitually uses opium, cocaine, morphine, or other harmful drug; or
  16. Who violates any law or statute of this State not punishable by life imprisonment or death, and who violates any ordinance of any corporation.

**SECTION 7.** That any reputable person having or being within said county, is within the provisions of this Act dependent or delinquent, may file with the court a verified petition which may be upon information and belief (stating the facts briefly and succinctly), which shall bring the child under the provisions of this Act. The title of the proceeding shall be: "In the matter of (inserting the name of the child), a child under sixteen years of age."

It shall set forth the name and residence of the child and of the parents, if known to the petitioners, and the name and residence of the person having the guardianship, custody, control, or supervision of such child, if known; or petitioners shall state that they are unknown, if that be the fact. If it appears from said verified petition that the child is embraced within the operation of this Act and the welfare of the child requires that its custody be immediately assumed, the court shall endorse upon the citation a direction that the officer serving the citation shall at once take the child within his or her custody. In the meantime the child shall be admitted to bail or released from the custody of the officer without bail, but when not so released, the child shall be detained pending the hearing of the case in the place provided for that purpose. The court may, of his own motion, direct any probation or peace officer to bring any child before him, whenever such child may be dealt with, upon a formal citation as herein provided.

**SECTION 8.** That upon the filing of the petition, verified as provided herein, and upon the Judge indorsing thereon an order for citation, the citation shall also be duly served on the parents, if any, otherwise upon the person having guardianship, or custody, or control, or supervision of the child named therein. The return of the officer shall be made on the citation substantially as the law requires returns in civil cases, and a failure to obey the citation willfully by the person upon whom it is served, shall be a contempt of court and shall subject the offender to such punishment as the law now permits for contempt.

The Judge shall have the powers of Circuit Judges to grant writs of habeas corpus in any case when said writs may not be granted by existing laws. The presiding Judge may at any stage of the proceedings appoint any practicing attorney in the county guardian ad litem for said infant, and when the said appointment is made it shall be the duty of such attorney to appear for such infant and without compensation.

**SECTION 9.** That upon the return of the citation, or when a child may be otherwise brought before the court, and at the time fixed for hearing the matter, the court shall proceed to hear and determine the case. The court may conduct the examination of witnesses without the aid of counsel and take testimony, and may inquire into the habits, conditions, surroundings, and tendencies of the child so as to enable the court to make such order as shall seem best adapted to carry out the intent and purpose of this Act; that the care, custody, punishment, and discipline of children shall approximate, as nearly as possible, that which should be given by good parents, and that, in so far as practicable, they shall be treated not as criminals, but as misdirected, misguided, neglected, and needing aid and encouragement. Said court may, in proper cases, bind children charged with crimes and misdemeanors to the Criminal Court of said county, or he may fine them and collect the fines as magistrates might do for the same offense, or he may commit them to the workhouse of Knox County as magistrates may do under the provisions of the law relating to small offenses. Said court shall have the power to commit children to the custody of a probation officer, confine them in a house of detention, commit them to a State, county, or private industrial school or reformatory or similar institution, or place them in a private family, apprentice or bind them out, as now provided by law, leave them in their own homes subject to the orders and discretion of the court and require them to report to the court or to any probation officer at such time and places as said court may designate; any expense necessary to the committing of any child as herein provided shall be paid by Knox County when certified to by the Judge and Clerk of the Juvenile Court in the same manner as other court costs are now paid by the county. When once jurisdiction has been obtained of a

child by the court, it shall continue for the purpose of this Act during the minority of the child. The court shall have power to modify or revoke any order made by him respecting such child, omit fines, release, parole, recommit, or bind to the Criminal Court at his discretion. No adjudication shall operate as a disqualification of the child for any office under any State or municipal service, and the child shall not be denominated a "criminal" by reason of any such adjudication, nor shall such adjudication be denominated a "conviction." No testimony given in any matter by a child shall be heard against that child in any other suit or proceeding of any kind whatsoever.

**SECTION \_\_\_\_.** In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or subsequent proceeding, upon the parents of such child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders and decrees, and no property of such parents, or either of them, shall be exempt from levy and sale under execution or other process issued from said court.

As amended by: Private Acts of 1923, Chapter 628

**COMPILER'S NOTE:** Private Acts of 1923, Chapter 628 adds a section between Sections 9 and 10. However, the act does not designate a section number. Therefore, it has been left blank.

**SECTION 10.** That whatever a child is charged with a violation of any law or statute, he or she shall have the right to waive an examination by the court, in which event the court shall commit the child to the county jail, or take bond with the security for the appearance of the child before the the [sic.] Criminal Court of the county; and where a child is charged with an infraction of an ordinance, he or she may appeal to the Circuit Court of the county as now provided by law. In all other cases of dependency and delinquency as herein defined, an appeal may be taken from any final order of the court of the Circuit Court, the appeal to be taken within thirty days after the entry of the order, and the appeal may be taken by the child, or the parents of the child, or by the guardian, or person having custody of the child upon giving an appeal bond in the penalty of two hundred and fifty dollars (\$250), conditioned to pay the costs of the cause and to abide by and perform the judgment of the Circuit Court in the premises, or by the guardian ad litem of the child without an appeal bond upon the guardian ad litem making oath that the persons interested in the child are unable to give an appeal bond by reason of their poverty. All appealed cases shall be heard by the Circuit Judge immediately after their appeal either in term time or in vacation and without the intervention of a jury.

As amended by: Private Acts of 1923, Chapter 628

**SECTION 11.** That nothing in this Act contained shall be so construed as to prevent Justices of the Peace and Recorders of corporations from issuing warrants for the arrest of any child charged with an offense against the laws or ordinances, nor to prevent any peace officer from making arrests in any case where they are now authorized to make arrests and execute process; but whenever a child shall be brought before a Justice of the Peace or Recorder or is arrested by any peace officer, such child shall be sent immediately, in the custody of an officer, to the court, and when so delivered to the court, the jurisdiction of such Justice of the Peace, Recorder, or peace officer shall cease, and said court shall deal with the child as herein authorized; and nothing herein contained shall be construed as forbidding the grand juries of said county to find presentments and indictments against any person charged with crime as now authorized by law to do, but the Criminal Court of said county is hereby authorized to place under the control of said Juvenile Court and its officers any child arraigned for trial or tried in said court, or he may make any other order respecting the child that said court is now authorized by law to make and enter in the premises.

**SECTION 12.** That the court shall not be held at places where other courts are held in the county, nor shall children be confined in the jail of the county and the lock-ups of corporation if their confinement in said places can be avoided; but the jurisdiction herein conferred on the court shall be so administered as to dissociate children from the criminals as far as practicable. It shall be the duty of the County Court to defray all expenses properly incident to the conducting of the said Court, including bills for stationery, Court files, records, traveling expenses of probation officers and their prisoners under orders of the judge, and of the judge incurred under said Act and any and all other legitimate expenses of said Court. The Judge of said Court shall certify to the Judge of the County Court of said County a quarterly statement of all such bills and expenses and it shall be the duty of the County Court to pay these bills at each quarterly session.

As amended by: Private Acts of 1915, Chapter 292  
Private Acts of 1919, Chapter 40  
Private Acts of 1941, Chapter 412

**SECTION 13.** That the Judge may arrange with any incorporated association or voluntary society

maintaining a suitable place of detention for children in said county for the use thereof as a shelter or temporary detention home or for the care of children, and he may enter an order which shall be effectual for that purpose.

**SECTION 14.** That it shall be the duty of the Judge at least once a year to visit each institution in which there shall be, at the time, a child under commitment pursuant to this Act, and the managers and officers of said institution shall accord to the Judge full opportunity to inspect the said institution in all its departments to the end that the Judge may be advised as to the propriety of continuing the use of said institution as a custodian agency, and the Judge may examine witnesses under oath or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution.

**SECTION 15.** That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed.

**SECTION 16.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1913.

## Court System - Historical Notes

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

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

1. Acts of 1903, Chapter 65, created a board of jury commissioners for Knox County. This act prescribed the duties of the members of said board, and of the judges, and provided for jury lists, and jury boxes to be kept in Knox County and to repeal all laws in conflict with this act. Several sections of this act were revised by Acts of 1903, Chapter 570 and Acts of 1907, Chapter 24.
2. Private Acts of 1911, Chapter 173, created a board of jury commissioners for Knox County. This act prescribed the duties of the members and of the judges, punished those who violated the act and provided jury lists and jury boxes to be kept in Knox County. This act was amended by Private Acts of 1929, Chapter 213, which increased the term of the jury board commissioners to two years to be appointed at the May term and provided a provision which allowed the trial judges to permanently excuse jurors from service who were disqualified from such duty and provided for an increase in the compensation of the jury commissioners. Private Acts of 1959, Chapter 37, further amended Private Acts of 1911, Chapter 173, by changing the population requirements of the act to conform to the Knox County population as recorded in the 1950 Federal Census. In addition, Chapter 37 changed the amount of names on the jury list so that the list contained not more than 10,000 and not less than 1,000 names. Finally, Chapter 37, increased the compensation of the jury commissioners to \$10 per day's service while making up the jury lists and \$10 per day for drawing said jurors and \$10 per day to the member of the commission who attended the court and delivered the certified list of jurymen to be paid from the Knox County Treasury.
3. Private Acts of 1913, Extra Session, Chapter 17, increased the compensation of jurors in Knox County to \$2.00 per each day's attendance and such mileage, ferriage and tolls as was allowed by law. This act was repealed by Private Acts of 1977, Chapter 107.
4. Private Acts of 1927, Chapter 76, increased the compensation of jurors in Knox County \$3.00 per each day's attendance and such mileage, ferriage and tolls as was allowed by law. This act was repealed by Private Acts of 1977, Chapter 105.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Knox 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1824, Chapter 14, set the time for holding the Knox County Chancery Court to the first Mondays in June and December at Kingston.
2. Private Acts of 1831, Chapter 217, provided that a chancery court be held at Knoxville for the counties of Knox, Campbell, Anderson and Sevier.
3. Public Acts of 1835-36, Chapter 4, established chancery courts in the state. The counties of Knox, Anderson and Blount composed the sixth chancery district and held said court on the second Mondays in April and October in Knoxville.



4. Public Acts of 1857-58, Chapter 88, fixed the times of holding the chancery courts of the state. The Knox County Chancery Court was held on the first Mondays of April and October at Knoxville.
5. Public Acts of 1870, Chapter 32, divided the state into chancery districts. The second chancery district was composed of the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress and Christiana.
6. Public Acts of 1870, Chapter 47, fixed the times for holding the chancery courts of the state. The Knox County Chancery Court was held on the third Mondays of March and September.
7. Public Acts of 1879, Chapter 197, set the time for holding the Knox County Chancery Court to the first Monday of January and the fourth Monday of June.
8. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery courts. The Knox County Chancery Court was placed in the second chancery division and held its court on the first Monday in January and on the fourth Monday in June.
9. Public Acts of 1899, Chapter 214, placed the Knox County Chancery Court in the twelfth chancery division. The time for holding the Knox County Chancery Court was set for the second Mondays in May and November. This act was amended by Public Acts of 1901, Chapter 6, by detaching Knox County from the twelfth chancery division and placing it in its own separate division which was named the "Chancery Division of Knox County". The time for holding said court was set for the third Mondays in March and September.
10. Acts of 1909, Chapter 11, established a chancery division for Knox County, provided for the appointment of a chancellor by the Governor to hold office until a successor was elected in the August 1910 regular election, set regular term for holding court on the third Monday of March and November of each year.
11. Private Acts of 1911, Chapter 174, amended Acts of 1909, Chapter 11 by changing the dates of the regular term to hold court in the chancery division for Knox County, to the first Monday in May and November each year.
12. Private Acts of 1917, Chapter 246, amended Acts of 1909, Chapter 11, as amended by the Private Acts of 1911, Chapter 174, to change the name of the chancery division of Knox County to the Eleventh Chancery Division of the State of Tennessee.
13. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Probate Court Clerk at \$5,000 per annum.
14. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into chancery divisions. Knox County was placed in the eleventh chancery division and held said court on the first Mondays in May and November.

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

The reference list below contains acts which once applied to the clerk and master in Knox County. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 213, allowed unmarried women over the age of twenty-one eligible to be appointed and to serve as deputy clerk and master of the Knox County Chancery Court. However, once the appointed female was married her position as deputy clerk and master was terminated. This act was repealed by Private Acts of 1977, Chapter 143.
2. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officias) by setting the salary of the Knox County Chancery Court Clerk at \$5,000 per annum.

### **Circuit Court**

The following acts were once applicable to the circuit court of Knox 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 1792, Ordinance 3, provided that the counties of Knox and Jefferson constitute a judicial district which was known as the Hamilton Judicial District. The courts were held in Knoxville on the second Mondays in April and October, provided that the first court be held on the second Monday in October.
2. Acts of 1809 (1st Sess.), Chapter 49, established circuit courts throughout the state. The counties of Knox, Cocke, Jefferson, Sevier, Blount, Anderson, Roane, Rhea and Bledsoe composed the second judicial circuit. The time for holding the Knox County Circuit Court was set for the second Monday in the months of February and August.

3. Private Acts of 1821, Chapter 106, provided that certain causes be transferred to the Knox County Circuit Court.
4. Public Acts of 1831, Chapter 38, provided that all suits commenced and pending in the Knox County Circuit Court, by any Indian reserve against any person or persons, claiming title to land under claim for the state, would be transferred to the circuit court of the circuit in which such land lay.
5. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The second judicial circuit was composed of the counties of Knox, Cocke, Jefferson, Sevier, Blount, Campbell, Anderson and Morgan. The Knox County Circuit Court was held on the second Mondays of February, June and October.
6. Acts of 1837-38, Chapter 3, Section 7, set the time for holding the Knox County Circuit Court on the second Mondays in February, June and October.
7. Acts of 1855-56, Chapter 97, Section 2, changed the time for holding the Knox County Circuit Court to the first Mondays of February, June and October. This act was repealed by Private Acts of 1978, Chapter 235.
8. Public Acts of 1857-58, Chapter 98, placed Knox County in the third judicial circuit and set the time for holding the said court on the second Mondays of February, June and October.
9. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The third judicial circuit was composed of the counties of Knox, Morgan, Anderson, Monroe, Roane, Cumberland, Fentress, Blount and Christiana, if established.
10. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts of the state. The Knox County Circuit Court was held on the first Mondays of February, June and October.
11. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. The circuit court of Knox County was placed in the third judicial circuit and held its court on the first Mondays in February, June and October.
12. Public Acts of 1887, Chapter 235, set the times for holding the Knox County Circuit Court to the fourth Mondays of February, May and October.
13. Public Acts of 1891, Chapter 18, Section 7, provided that at the next election of the judge of the Knox County Circuit Court, that the term of his office be eight years.
14. Private Acts of 1897, Chapter 223, detached Sevier County from the second judicial circuit and transferred and attached it to the criminal district composed of Knox County. It was the duty of the judge of the criminal court for the district of Knox County to hold the terms of the Sevier County Circuit Court and it was the duty of the district attorney for the Knox County Criminal District to attend the terms of the circuit court of Sevier County.
15. Public Acts of 1899, Chapter 409, Section 4, provided that all criminal jurisdiction in Knox County be conferred upon the circuit or law court of Knox County and the judge of said court was to hold the circuit court of Knox County on third Mondays in January, May and September.
16. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. The third judicial circuit was composed of Knox County which held its court on the first Mondays in January, May and September.
17. Private Acts of 1923, Chapter 326, set the first Monday in every month as a return day in all divorce cases instituted in the circuit courts of counties of the State having a population of not less than 112,921 inhabitants and not more than 112,931 inhabitants, according to the Federal Census of 1920 or an subsequent federal census. And that all such divorce cases would stand trial at any time after the first Monday in any month coming five or more days after service of process, or the last publication made in non-resident cases.
18. Private Acts of 1931, Chapter 166, as amended by Private Acts of 1949, Chapter 450, established the Second Circuit Court of Knox County. Said court was held in the City of Knoxville and had concurrent jurisdiction with the first circuit court of Knox County, and its term began on the same days as the existing circuit court.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into judicial circuits. Knox County was placed in the third judicial circuit and held said court on the first Mondays in January, May and September.
20. Public Acts of 1959, Chapter 208, divided the circuit court of Knox County into three divisions and created the office of Circuit Judge for the third division. Court terms began on the first Mondays in January, May, and September.

21. Public Acts of 1965, Chapter 265, as amended by Public Acts of 1967, Chapter 77, established Division IV Circuit Court of the Third Judicial Circuit of the State of Tennessee to exist from and after September 1, 1966. The Criminal Court Clerk of Knox County was the clerk of the Fourth Circuit Court of Knox County. The judge was elected for a term of 8 years and was empowered to appoint a special Master to take proof and investigate any issue of fact involving the custody, support, and welfare of children raised in such proceedings and to report his findings on such issues to the Court, said report had the same effect as the report of a Master in Chancery proceedings. The Court was authorized to tax the fee of the special Master as a part of the costs in such cases

### **Circuit Court - Clerk**

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

1. Public Acts of 1859-60, Chapter 120, Section 7, authorized the Knox County Circuit Court Clerk to tax the costs which have accrued in the circuit court of Knox County, on behalf of the state in cases which have been transferred for trial to the county court, and that the same was to be certified for allowance by the county court of Knox County as other costs are certified.
2. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Circuit Court Clerk at \$5,000 per annum.

### **Criminal Court**

The following acts once pertained to the Knox County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1870, Chapter 100, established a criminal court in Knox County, to be held in the City of Knoxville. This act was amended by Public Acts of 1870-71, Chapter 97, which authorized the Knox County Court to appoint jurors to said court, instead of the judge of the criminal court. This act was further amended by Public Acts of 1871, Chapter 54, which changed the name of the criminal court to "The Criminal Court for the District of Knox."
2. Public Acts of 1873, Chapter 53, Section 3, set the salary of the judge of the Knox County Criminal Court at \$1,800 per annum. This act was repealed by Public Acts of 1889, Chapter 258.
3. Public Acts of 1875, Chapter 16, set the time for holding the Knox County Criminal Court to the first Mondays in January, May and September.
4. Public Acts of 1891, Chapter 18, Section 7, provided that at the next election of the judge of the Knox County Criminal Court, that the term of his office be eight years.
5. Public Acts of 1899, Chapter 101, abolished the Knox County Criminal Court.
6. Acts of 1903, Chapter 114, regulated the costs and fees in criminal cases arising under the small offense law by justices of the peace in Knox County and in other counties with a population of 60,000 to 90,000 according to the Federal Census of 1900.
7. Private Acts of 1931, Chapter 224, amended Public Acts of 1921, Chapter 101, (which was the general salary law for certain county officials) by setting the salary of the Knox County Criminal Court Clerk at \$5,000 per annum.
8. Public Acts of 1931, Second Session, Chapter 38, set the time for holding the Knox County Criminal Court on the first Mondays in March, July and November.
9. Public Acts of 1970, Chapter 364, reorganized the criminal court of the third judicial circuit of the state, Knox County; created two divisions thereof; defined the jurisdiction of said court; provided for an additional judge and fixed his compensation; provided for a secretary and a court reporter for the additional judge and fixed their compensation and defined the duties of the clerk, sheriff and the attorney general of said court.
10. Public Acts of 1976, Chapter 518, reorganized the criminal court of the third judicial circuit of the state, which included Knox County; created three divisions thereof; defined the jurisdiction of said court; provided for an additional judge for said court and fixed his compensation; provided for a secretary and a court reporter for the additional judge and fixed their compensation; and defined the duties of the clerk, the sheriff and the attorney general of said court.

### **Court Officers**

The following private act historical summary notes a private act which has been superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

1. Public Acts of 1977, Chapter 485, provided for the compensation of court officers in counties having populations in excess of 250,000, according to the 1970 federal census of population, a minimum annual salary of \$7,800 to be paid by the county to any person appointed to serve as court officer for the trial level courts of record in the county regardless of whether or not the duties of such person included the service of process issuing from any of such courts. The compensation authorized by this act did not include the expense allowance for the use of an automobile by any such person.

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

The following acts once affecting Knox County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, divided the state into solicitorial districts. The counties of Knox, Anderson, Morgan, Roane and Rhea composed the fourth solicitorial district. 2. Public Acts of 1871, Chapter 54, created the office of district attorney for Knox County. 3. Public Acts of 1897, Chapter 24, authorized the district attorney general of Knox County and other counties with a population of 50,000 and over, according to the Federal Census of 1890, to appoint an assistant and provided for the compensation of such assistant.
2. Public Acts of 1899, Chapter 199, abolished the offices of attorney general and assistant attorney general for Knox County. The duties that were exercised by said officers were delegated to the attorney general of the second judicial circuit and his assistant.
3. Private Acts of 1917, Chapter 398, as amended by Private Acts of 1921, Chapter 573, and Private Acts of 1945, Chapter 420, created the office of assistant attorney general for Knox County.
4. Private Acts of 1935, Chapter 264, authorized the district attorney general of Knox County to appoint an employee to make official investigations, prescribed the duties of such employee and provided for his compensation. This act was amended by Private Acts of 1955, Chapter 100, increased the salary of the employee to not less than \$2,400 nor more than \$3,600 per annum. This act was further amended by Private Acts of 1963, Chapter 123, which raised salary of the employee to \$4,800 per annum. Private Acts of 1935, Chapter 264, was repealed by Private Acts of 1967-68, Chapter 279.
5. Private Acts of 1935, Chapter 302, gave the district attorney the responsibility to have printed at the expense of the county all state warrants for the use of the justice of the peace.
6. Public Acts of 1967, Chapter 260, created the office of criminal investigator for the third judicial circuit of the state which circuit comprised Knox County and provided for the appointment, qualification and payment of salary and to define the duties of the criminal investigator.
7. Private Acts of 1969, Chapter 38, authorized Knox County to supplement the compensation paid by the state to three full time assistant district attorneys general who were in the third judicial circuit. This act was amended by Private Acts of 1970, Chapter 197, by increasing the number of assistant district attorneys general to six.
8. Public Acts of 1969, Chapter 187, provided one additional assistant district attorney, one additional criminal investigator and a secretary to the district attorney general for the third judicial circuit, Knox County, and provided for their appointment, compensation and duties.
9. Public Acts of 1970, Chapter 393, provided additional assistant district attorneys general and additional secretaries to the district attorney general for the third judicial circuit, Knox County, of the state. This act was amended by Public Acts of 1974, Chapter 609, provided an additional secretary to the district attorney general for the third judicial circuit.
10. Public Acts of 1973, Chapter 375, provided one additional assistant district attorney general, one additional assistant district attorney general and/or criminal investigator, and one additional secretary to the district attorney general for the third judicial circuit, Knox County, and provided for the selection, compensation and duties thereof.
11. Public Acts of 1978, Chapter 775, provided one additional assistant district attorney general to the district attorney general for the third judicial circuit, Knox County, and provided for his appointment, compensation and duties.
12. Private Acts of 1981, Chapter 58, as amended by Private Acts of 1982, Chapter 238, Private Acts of 1991, Chapter 20, established a prosecution team of assistant district attorneys general in the office of the district attorney general, to prosecute repeat offenders and drug offenders. The prosecution team authorized by this act was known as the "Career Criminal Unit".

**General Sessions Court**

The following acts once affected the general sessions court of Knox County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1970, Chapter 292, would have amended Private Acts of 1939, Chapter 54, by fixing the jurisdiction of the general sessions court of Knox County, however, this act was rejected by the proper authorities and never became operative in accordance with its provisions.
2. Private Acts of 1971, Chapter 190, would have amended Private Acts of 1939, Chapter 54, by fixing the jurisdiction of the court, but the act was rejected by the proper authorities and never became operative in accordance with its provisions.
3. Private Acts of 1992, Chapter 164, would have created a fifth division of the general sessions court for Knox County; however, the act was not adopted by the county and therefore never took effect.
4. Private Acts of 1998, Chapter 170, would have amended Private Acts of 1913, Chapter 277, Private Acts of 1989, Chapter 27, Private Acts of 1995, Chapter 22, by adding a Division VI to the general sessions court of Knox County. This act never received local approval.

### **Juvenile Court**

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

1. Private Acts of 1911, Chapter 522, created a juvenile court for Knox County, defined its jurisdiction, provided for the appointment of its officers and fixed their compensation, defined delinquent and dependent children in the county and made them subject to the discretionary orders, custody, control and disposition of said juvenile court.
2. Private Acts of 1935, Chapter 539, as amended by Private Acts of 1945, Chapter 307 and Private Acts of 1955, Chapter 72, made it the duty of the judges of the Criminal Court, the Circuit Court and Second Circuit Court to appoint a parole officer and the compensation for said officer was not to exceed \$400 per month. This act was superseded by the Knox County Charter, Section 8.12 pursuant to T.C.A. § 5-1-120.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1915, Chapter 425, authorized the county court to employ stenographers to assist the judges of the various courts, at a monthly salary of \$75. This was amended by Private Acts of 1917, Chapter 529, to raise the salary to \$100 per month and by Private Acts of 1943, Chapter 139, to specify that the quarterly court was authorized to appropriate funds for the compensation of these stenographers.
2. Private Acts of 1927, Chapter 99, provided for the district attorney-general to appoint a stenographer and set compensation at \$125 per month. This act was superseded by general law at T.C.A. § 8-7-601, et seq.
3. Private Acts of 1947, Chapter 151, provided for the employment of stenographers to aid the various judges in Knox County, and this act also authorized the county court to appropriate money for the payment of their salaries which was set at \$175 per month.
4. Private Acts of 1951, Chapter 96, provided for the employment of stenographers to aid the county judge or county chairman in Knox County.

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