



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

April 29, 2025

Court System - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

Sincerely,

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Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in 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 officials) 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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