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# Chapter V - Court System

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

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

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Chapter V - Court System

## Circuit Court

### Public Acts of 1968 Chapter 449

**COMPILER'S NOTE:** This act, which created a second division to the first judicial circuit, has special effect and is not found in Tennessee Code Annotated.

**SECTION 1.** A Second Judge to be designated as "Judge, Part II" for the First Judicial Circuit is established.

**SECTION 2.** The Judge in the said Circuit senior in point of service shall be the Senior Judge. If neither Judge is senior in terms of length of service, then the Judge who received the greater number of votes in the last election for the office shall be considered the Senior Judge.

**SECTION 3.** The Senior Judge of the said circuit shall designate which cases will be tried by each Judge.

**SECTION 4.** The provisions of this Act shall not apply to the criminal division of the said circuit, and the Criminal Judge of the said circuit shall not be the Senior Judge referred to in this Act.

**SECTION 5.** The Judge, Part II for the First Judicial Circuit, and his successors, shall be learned in the law and not less than thirty (30) years of age. No appointment shall be made to fill the office created by this Act prior to the August 1968 election, but the Judge, Part II shall be elected at the August election in 1968 by the qualified voters of the First Judicial Circuit and shall hold office from the date of his election until September 1, 1974, and until his successor is elected and qualified; and, at the August election of that year, and thereafter every eight (8) years, there shall be elected by the qualified voters of the said Judicial Circuit a Judge, Part I and a Judge, Part II. The Judge, Part II will receive the same salary, payable in like manner, and have the same powers of the Circuit Judges of this State and may interchange with any of the Circuit Judges and Chancellors of this State.

**SECTION 6.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 14, 1968.

## Criminal Court

### Public Acts of 1957 Chapter 54

**COMPILER'S NOTE:** This is a special act which does not appear in Tennessee Code Annotated.

**SECTION 1.** That a Criminal Court is hereby created and established in the First Judicial Circuit of Tennessee, for the Counties of Washington, Carter, Unicoi and Johnson, to be known as the "Criminal Court of the First Judicial Circuit of Tennessee."

**SECTION 2.** That the said Criminal Court shall have general, common law and statutory jurisdiction, original and appellate and exclusive over all criminal cases existing and arising in said counties to the same extent as is now or may hereafter be conferred upon the Circuit Courts and Criminal Courts of this State under the common laws or the statutes and to hear, try and determine all criminal cases.

**SECTION 3.** That upon the passage of this Act, the Governor of the State of Tennessee, is hereby authorized and directed to appoint a judge of the Criminal Court created hereunder; and said Judge shall serve until the next general election, as provided for in Section 4 of this Act. Said Judge shall be clothed with the same powers and jurisdiction as to extraordinary process as are now provided by law for such criminal judges, circuit judges and chancellors in this State, and his salary shall be the same and shall be paid in like manner by the State as that of other criminal and circuit judges of the State.

**SECTION 4.** That at the general election to be held on the first Thursday in August, 1958, and at all regular elections for judges held thereafter, there shall be elected by the qualified voters of said counties a judge for said Criminal Court for the First Judicial Circuit of Tennessee, in the same manner and with the same tenure of office as other Criminal and Circuit Judges of this State.

**SECTION 5.** That the District Attorney General of the First Judicial Circuit for Tennessee shall perform the duties of the District Attorney General in the said Criminal Court in the Counties herein named.

**SECTION 6.** That the Circuit Court Clerks and Sheriffs of the several counties herein named, shall be the Clerks and Sheriffs for the said Criminal Court in said Counties and they shall perform the same duties and

receive the same compensation now provided by law for them.

**SECTION 7.** That all bonds and recognizances heretofore or hereinafter taken and of process heretofore or hereinafter issued, shall be made returnable to the Court at the times and places fixed by this Act for the holding the said Court in said Counties herein named.

**SECTION 8.** That it shall be lawful for the Judge of the Criminal Court and the Judge of the First Judicial Circuit to hold each of their Courts in any of the different counties, including the same county, or said Circuit at the same time.

**SECTION 9.** That the County Courts, Jury Commissioners or other duly existing and authorized authorities of the various counties above set out, shall appoint and select juries for said Criminal Court, according to the law now controlling in the above counties respectively, who shall be summoned to attend and bound to appear at said criminal court and shall have the same pay, qualifications, powers and privileges and shall be organized as now, under existing law as the law provides with reference to Grand Juries and all other juries of courts, but all bills of indictment, presentment and information shall be returned to said Criminal Court.

**SECTION 10.** That all criminal cases now existing or pending in the Circuit Courts of said named counties, on the passage of this Act, shall by virtue of the provisions of this Act, automatically be transferred to the said Criminal Court herein established in said counties respectively and said cases shall be tried and determined therein by this said Criminal Court. The Clerks of the respective Circuit Courts in the aforesaid counties shall immediately upon the passage of this Act, transfer all Criminal proceedings and papers from the Circuit Court for said Counties to the Criminal Court and shall procure and keep the proper books, records and minutes for the said Criminal Court. The Clerk shall keep the records, papers, minutes and proceedings of the Circuit Court and the Criminal Court separate. All Courts of General Sessions and Justices of the Peace or other inferior courts in the various herein named counties shall bind over offenders against the State laws to said Criminal Court as heretofore they have been bound over to the Circuit Court.

**SECTION 11.** That all appeals, writs of error and appeals in the nature of writs of error, shall be prosecuted from the judgments of the said Criminal Court to the Supreme Court and as from other Criminal Courts of this State.

**SECTION 12.** [Deleted by Public Acts of 1984, Chapter 931, Section 15]

**SECTION 13.** That all laws and parts of laws now existing in conflict with this Act and its full intentions be and the same are hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 20, 1957.

## District Attorney General

### Assistants and Criminal Investigators

## Public Acts of 1967 Chapter 135

**COMPILER'S NOTE:** The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** There is created the office of an additional assistant district attorney general for the first judicial circuit. The district attorney general of the first judicial circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the district attorney general. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The additional assistant attorney general shall perform such duties and functions as may be assigned and directed by the district attorney general of the first judicial circuit.

**SECTION 3.** The additional assistant district attorney general shall receive an annual salary of four thousand eight hundred dollars (\$4,800) payable in equal monthly installments out of the treasury of the state, upon warrant of the Commissioner of Finance and Administration. If the general assembly should by general law increase the salaries of assistant attorneys general as provided in Section 8-708, Tennessee Code Annotated, the compensation of the additional assistant attorney general for the first judicial circuit shall be the same amount per year as that provided by general law for such assistants.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 25, 1967.

## Public Acts of 1971 Chapter 196

**COMPILER'S NOTE:** The provisions of this public act have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** There is created the office of an additional Assistant District Attorney General for the First Judicial Circuit. The District Attorney General of the First Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the First Judicial Circuit.

**SECTION 3.** The Assistant District Attorney General for the First Judicial Circuit shall receive an annual salary in equal monthly installments out of the treasury of the state as provided in Section 8-708, Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 10, 1971.

## Public Acts of 1976 Chapter 545

**COMPILER'S NOTE:** This is special legislation and is not printed in the Tennessee Code Annotated.

**SECTION 1.** There is established one (1) additional position of Assistant District Attorney General for the First Judicial Circuit of the State of Tennessee. That one (1) additional position of full-time Assistant District Attorney General shall be compensated according to the provisions of Tennessee Code Annotated, Section 8-708.

**SECTION 2.** The aforesaid one (1) additional position of Assistant District Attorney General shall be appointed by the District Attorney General for the First Judicial Circuit and shall serve at his pleasure.

**SECTION 3.** This act shall take effect on becoming a law, the public welfare requiring it. No state funds shall be expended to fund the provisions of this act prior to July 1, 1976 and all acts creating additional District Attorney General or Assistant District Attorney General, Criminal Investigator or Judicial positions which are enacted during the 1976 session of the Eighty ninth General Assembly shall be given priority in funding over this act, and no appropriation shall be made for the fiscal year 1976-77 except through the General Appropriations Bill and amendments thereto, or surplus funds otherwise available in the Judicial Budget, and no District Attorney General appointed or elected until said funds are available.

Passed: March 11, 1976.

## Secretary

## Public Acts of 1971 Chapter 324

**COMPILER'S NOTE:** This is an uncodified public act that is not printed in the Tennessee Code Annotated.

**SECTION 1.** There is created the position of a secretary to the District Attorney General for the First Judicial Circuit. The District Attorney General is authorized to employ a suitable person as secretary, to be employed at the pleasure of the Attorney General, and shall perform such duties as may be assigned and directed by the District Attorney General. The compensation of the secretary shall be four thousand eight hundred dollars (\$4,800.00) per annum, payable in equal monthly installments out of the treasury of the state upon the warrant of the Commissioner of Finance and Administration.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 13, 1971.

## Juvenile Court

## Private Acts of 1983 Chapter 139

**SECTION 1.**

(a) In Johnson County, all jurisdiction relating to juveniles and related matters heretofore vested in the County Court, the County Judge, or the County Chairman, is hereby vested in the Court of General Sessions. The Court of General Sessions shall have exclusive jurisdiction over juveniles, and all matters relating thereto, heretofore vested in the County Court.

(b) The Clerk of the Court of General Sessions, as provided for by general law or special act, shall be authorized and empowered to take all actions relative to juveniles, and all matters relating thereto, which heretofore could be performed by the County Court Clerk. All actions taken by the Clerk of the Court of General Sessions shall be subject to review by the judge of the court of general sessions by simple motion, petition, or the filing of exceptions as may be appropriate.

(c) Jurisdiction of appeals from the decisions of the Court of General Sessions shall be to the Circuit Court in accordance with the provisions of Tennessee Code Annotated, Section 37-258.

**SECTION 2.** All sections of Tennessee Code Annotated conferring jurisdiction in juvenile and related matters in the County Courts, the County Judge, or the County Chairman, hereafter shall be construed to be applicable to the Court of General Sessions and its judge in those counties of Tennessee to which this part applies and such sections shall be deemed as amended accordingly.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Johnson County before October 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 4.** 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 3.

Passed: May 10, 1983.

## Court System - Historical Notes

### Chancery Court

The following acts form an outline of the development of equity jurisdiction in Johnson County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1835-36, Chapter 20, Section 10, attached Johnson County to the first chancery district.
2. Acts of 1855-56, Chapter 150, established a separate chancery division at Taylorsville in Johnson County which was held on the third Mondays of April and October.
3. Public Acts of 1857-58, Chapter 88, set the time for holding the Johnson County Chancery Court on the first Wednesdays after the third Mondays of April and October at Taylorsville.
4. Public Acts of 1865-66, Chapter 41, provided that Johnson County Chancery Court would meet on the second Mondays in March and September.
5. Public Acts of 1866-67, Chapter 15, changed the time for holding the Johnson County Chancery Court to the fourth Mondays of March and September.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into chancery districts. The first chancery district was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for holding the Johnson County Chancery Court on the fourth Mondays of March and September.
8. Acts of 1885 ( Ex. Sess.), Chapter 20, placed Johnson County in the first chancery division and set the time for holding said court on the third Mondays in February and the second Monday in August.
9. Public Acts of 1895, Chapter 73, changed the time for holding the Johnson County Chancery Court to the second Mondays in April and October.
10. Public Acts of 1899, Chapter 427, placed Johnson County in the first chancery division and set the time for holding said court on the first Mondays in February and August.
11. Private Acts of 1927, Chapter 407, set the time for holding Johnson County Chancery Court on the second Mondays in May and November.
12. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Johnson County in the first chancery

division and set the time for holding said court on the second 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 Johnson County.

1. Private Acts of 1911, Chapter 93, set the salary of the Johnson County Chancery Court Clerk and Master at \$600 per year, with any difference to be paid from the county treasury. This act was amended by Private Acts of 1935, Chapter 360, which raised the salary to \$1,080 per year.
2. Private Acts of 1943, Chapter 376, set the salary of the Johnson County Clerk and Master at \$1,500 per year.

### **Circuit Court**

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

1. Public Acts of 1835-36, Chapter 5, divided the state into eleven judicial circuits. The first judicial circuit was composed of the counties of Johnson, Greene, Washington, Carter, Sullivan, Hawkins, Grainger and Claiborne. The time for holding the Johnson County Circuit Court was set on the fourth Mondays of March, July and November.
2. Acts of 1837-38, Chapter 116, set the time for holding the Johnson County Circuit Court on the second Mondays in March, July and November.
3. Public Acts of 1857-58, Chapter 98, set the time for holding the Johnson County Circuit Court on the second Mondays of March, July and November.
4. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Johnson, Hancock, Hawkins, Greene, Carter, Sullivan, Washington and Boone.
5. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding the Johnson County Circuit Court on the third Mondays of March, July and November.
6. Acts of 1885 (Ex. Sess.), Chapter 20, placed Johnson County in the first judicial circuit and set the time for holding said court on the third Mondays in March, July, and November.
7. Public Acts of 1899, Chapter 427, placed Johnson County in the first judicial circuit and set the time for holding said court on the first Mondays in January, May and September.
8. Acts of 1903, Chapter 198, set the time for holding the Johnson County Circuit Court on the first Mondays in January, May and September.
9. Private Acts of 1921, Chapter 303, set the time for holding the Johnson County Circuit Court on the first Mondays in February, June and October.
10. Private Acts of 1927, Chapter 407, set the time for holding the Johnson County Circuit Court on the first Mondays in February, June and October.
11. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Johnson County in the first judicial circuit and set the time for holding said court on the first Mondays in February, June and October.
12. Public Acts of 1953, Chapter 18, set the time for holding the Johnson County Circuit Court to the first Mondays in February, June and October.
13. Private Acts of 1975, Chapter 38, attempted to create a general sessions court for Johnson County which would also have had juvenile jurisdiction, but this act failed to gain local approval.

### **Circuit Court - Clerk**

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

1. Acts of 1855-56, Chapter 127, provided that the secretary of state was to furnish the Johnson County Circuit Court Clerk's office with copies of the 7th and 9th of Yergers' Supreme Court Reporter and 11th reporter by Humphreys.
2. Private Acts of 1911, Chapter 297, set the annual salary of the Johnson County Circuit Court Clerk at \$600. This act was amended by Private Acts of 1935 (Ex. Sess.), Chapter 75, which raised the salary to \$1,080 per year, with any excess fees to be placed in the school fund.
3. Private Acts of 1919, Chapter 354, provided that the salary of the Johnson County Circuit Court Clerk was to be paid in quarterly installments by the Johnson County Trustee on warrants of the chairman of the county court, issued on order of the quarterly county court at their regular session in each year.

4. Private Acts of 1949, Chapter 186, authorized the Johnson County Quarterly County Court to set the salary of the Johnson County Circuit Court Clerk at \$1,800 per annum.

### **Criminal Court**

The following acts once pertained to the Johnson 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 1867-68, Chapter 49, Section 3, authorized the sheriff of Johnson County to hold an election for the purpose of electing a judge for the criminal district.
2. Public Acts of 1867-68, Chapter 90, Section 5, placed Johnson County in a judicial criminal district, along with Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Claiborne counties. The time for holding the Johnson County Criminal Court was set for the first Mondays of February, June and October. This act was repealed by Public Acts of 1869-70 (1st Sess.), Chapter 11.
3. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Johnson County Criminal Court to the third Mondays in March, July and November.
4. Public Acts of 1899, Chapter 427, set the time for holding the Johnson County Criminal Court on the first Mondays in January, May and September.

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