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# Chapter V - Court System

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

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# Chapter V - Court System

## General Sessions Court

### Private Acts of 1947 Chapter 459

**SECTION 1.** That there is hereby created and established a Court in and for all Counties having a population of not less than 26,500 and not more than 26,510 according to the Federal Census of 1940 or any subsequent Federal Census, which shall be designated as the General Sessions Court of said County. The Court shall be held in the Courthouse and said Counties 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.

**SECTION 2.** That should this Act apply to Anderson County, the said Court shall be officially designated as the "General Sessions Court of Anderson County," and the said Court is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace in all counties to which this Act applies are hereby divested of all such jurisdiction, power, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony is in no wise affected by this Act.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 3.** That the General Sessions Court shall have jurisdiction concurrent with the Circuit and Chancery Courts of the State of Tennessee to try and dispose of divorce cases, and said Court shall try and dispose of divorce cases in the same manner and with the same authority as is vested in the Circuit and Chancery Courts of the State of Tennessee.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

**SECTION 4.** The general law governing the general sessions courts for Tennessee as provided in Tennessee Code Annotated, Title 16, Chapter 15, shall govern the General Sessions Court of Anderson County.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 5.** That the laws now regulating pleading and practice, stay of judgements, writs and processes in civil cases in the Courts of Justices of the Peace shall apply to and govern said court in so far as the jurisdiction of said Court as vested by Section 2 of this Act is concerned; and appeals from said Court shall be taken to the Circuit Court and shall be perfected in the same manner and within the same time as is now provided for appeals from Courts of Justices of the Peace. However, all cases in the General Sessions Court shall be set for an hour certain, and the practice heretofore prevailing of allowing one hour for the parties to appear in courts of Justices of the Peace shall not apply in the General Sessions Court in any cases heard by said Court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

**SECTION 6.** That there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 2 of this Act shall be entered immediately upon the issuance of the warrant. Upon said docket 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, judgements, executions, garnishments, lists of the fees of the 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 Judge by whom the case was tried. 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. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the General Sessions Court until its issuance has been entered on said docket.

In all cases tried by the general sessions court in which the court has concurrent jurisdiction with the circuit or chancery court, the general sessions court is a court of record. The Tennessee rules of civil procedure shall govern practice and pleading when the general sessions court is sitting as a circuit or chancery court; and the General Sessions Court shall keep a separate Docket and Minute Book for all

cases tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the Minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Court to keep their Minute Books, and the Minutes of said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 7.** The general sessions court shall have no terms of court. The court shall be in session daily and continuously except for Saturdays, Sundays, and legal holidays. The general rules of procedure as provided for general sessions courts throughout the state as supplemented by local rules shall control to expedite the trial and disposal of cases before the court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

**SECTION 8.** That the General Sessions Court is hereby vested with jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 9.** That it shall be the mandatory duty of the Judge of the General Sessions Court, when a defendant is brought before said Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such court may proceed to hear and determine said case as is provided in Section 8 of this Act. Said waiver shall be written on or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers.

**SECTION 10.** that no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket of the General Sessions Court has been made by the Clerk or Judge of said Court, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said Docket showing receipt of such process; all of which warrant, information, dockets, and other records of the General Sessions Court shall be available to the District Attorney-General for any legal purpose.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 11.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said General Sessions Court shall be taken by the Clerk of the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 12.** That an appeal from any case in which the jurisdiction of the General Sessions Court is concurrent with the Chancery, Circuit, and Criminal Courts, said appeal shall be to the same Appellant Court, and shall be perfected in the same manner and according to the same procedure as a similar case would be appealed from the Circuit, Chancery, and Criminal Courts.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 13.** That in all cases tried under the jurisdiction conferred by Section 2 and Section 8 of this Act, the costs and fees of the General Sessions Court shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and 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. All costs, fees, and mileage of witnesses, the fees, commissions, and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers for services to said Court, and the fines and forfeitures adjudged by said Court shall be handled, accounted for, and disbursed as required by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 14.** There shall be two full-time Judges for the General Sessions Court of Anderson County, Tennessee, one being the Judge of Division I and the other being the Judge of Division II, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and such Judges shall take the same oath as prescribed for Circuit Judges and Chancellors. The Judges of the General Sessions Court of Anderson County, Tennessee shall be licensed attorneys of this State and residents of Anderson County, Tennessee. The Judges shall devote full time to the office and shall not otherwise practice law, and shall be paid a salary as provided in Section 15. The Judges of Division I and Division II shall have and exercise all the same jurisdiction and may hold court and hear cases in either Division. Both Judges shall devote such time as necessary between either Division to equalize the case load and to provide for the expeditious hearing of all cases in both Divisions. Cases arising in Division II of the General Sessions Court of Anderson County, Tennessee shall be heard in Oak Ridge, Tennessee subject to the City of Oak Ridge, Tennessee providing adequate courtroom and office facilities for the Judge and support staff.

The Judges of the General Sessions Court of Anderson County, Tennessee are hereby vested with all of the powers possessed by Circuit Judges and Chancellors to issue all writs of injunction, attachment, habeas corpus, ne exeat, and all other kinds of extraordinary process, returnable to the General Sessions Court of Anderson County, Tennessee, or to any other County Courts, Circuit Courts, Chancery Courts, or any other comparable courts of the State.

As amended by: Private Acts of 1997, Chapter 22

**SECTION 15.** The Judges of Anderson County shall be paid the same salary as provided by the general law in the State of Tennessee pertaining to the General Sessions Court Judges.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1951, Chapter 453

Private Acts of 1957, Chapter 313

Private Acts of 1974, Chapter 290

Private Acts of 1992, Chapter 226

Private Acts of 1993, Chapter 77

**SECTION 16.** That J. Leon Alkenes of Anderson County, Tennessee, is hereby named as Judge of the General Sessions Court of Anderson County, should this Act apply to Anderson County, and he shall serve until the first day of September, 1948, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1948, to serve until the first day of September, 1950, or until his successor is elected and qualified. His successor shall be elected every eight years thereafter for a term of eight years. Any vacancy shall be filled as provided by law.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 17.** A substitute or special judge shall be selected and qualified as provided by law, provided that the judge of the juvenile court of Anderson County and any chancellor, general sessions, circuit, criminal or appellate court judge in the State of Tennessee may sit by interchange. The Clerk of the General Sessions Court shall receive the sum of Twelve Hundred (\$1200.00) Dollars per annum to be paid in equal monthly installments out of the general funds of the county for the purpose of defraying the expense incidental to conducting his duties as clerk of the General Sessions Court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1951, Chapter 621

Private Acts of 1992, Chapter 226

**SECTION 18.** That should this Act apply to Anderson County, the Clerk of the Circuit Court of said County shall act as the Clerk of the General Sessions Court, and when acting as Clerk of said Court, shall be designated as the "Clerk of the General Sessions Court of Anderson County."

All fees, commissions and emoluments of said General Sessions Court, which are earned by the Clerk of said Court and collected by him, shall accrue to his benefit for his compensation as Clerk of said court.

As amended by: Private Acts of 1949, Chapter 592

Private Acts of 1992, Chapter 226

The clerk of said Court shall have concurrent authority with the Judge 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.

**SECTION 19.** That the Sheriff of any County to which this Act applies shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve said 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 of said County.

The Clerk of said Court shall certify to the County Judge of said County the names of Deputy Sheriffs so assigned to said Court. 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 the General Sessions Court with the same authority as provided by law in other inferior Courts.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 20.** 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 the Justices of the Peace or former Justices of the Peace of any County to which this Act might apply, 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 delivered to the Clerk of the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 21.** That the General Sessions Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of any County to which this Act applies as if such cases had originated in the General Sessions Court.

As amended by: Private Acts of 1992, Chapter 226

**SECTION 22.** That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 23.** That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, and that should any portion of this Act be 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 24.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 25.** That this Act shall take effect thirty (30) days after its passage, the public welfare requiring it.

Passed: February 25, 1947.

## Juvenile Court

### Private Acts of 1807 Chapter 74

**SECTION 1.** That the Juvenile Court of Anderson County, Tennessee, is hereby created, and the jurisdiction of the County Court of Anderson County, Tennessee, insofar as it pertains to juveniles, is removed from said County Court and is conferred on the Juvenile Court of Anderson County, Tennessee.

**SECTION 2.** That the Juvenile Court of Anderson County, Tennessee, shall have the authority and jurisdiction to hear and adjudicate all cases involving juveniles, as is provided for in Sections 37-242 through 37-274, Sections 36-223 through 36-236, Sections 37-301 through 37-314, and Sections 37-101 through 37-108 of the Tennessee Code Annotated, and any and all other sections of the Tennessee Code Annotated, and any amendments thereto, pertaining to Juveniles.

**SECTION 3.** That the procedures relating to the hearing of juvenile matters in the Juvenile Court of Anderson County, including any appeal therefrom, shall be in accordance with the provisions of the Tennessee Code Annotated, and any amendments thereto, governing the hearing of juvenile matters and appeal therefrom.

**SECTION 4.** That the Judge of the Juvenile Court of Anderson County, Tennessee, is hereby empowered to seek the advice and guidance of the Anderson County Juvenile Commission and to use the facilities of said Commission in administering the duties of his office and in establishing the procedures and regulations of said Court.

**SECTION 5.** That the Judge of the Juvenile Court of Anderson County, Tennessee, is empowered to promulgate rules to regulate the times and places the Juvenile Court of Anderson County, Tennessee, shall sit; and said Court shall be separate from any other court in facilities and administration.

**SECTION 6.** (a) Upon this act becoming effective as provided in Section 3 of this act, the legislative body of Anderson County shall appoint a juvenile court judge of the Anderson County Juvenile Court to hold office beginning July 1, 1991 until September 1, 1992 and until his successor is elected and qualified.

(b) At the regular August general election in 1992, the qualified voters of Anderson County shall elect a person to serve as juvenile court judge of the Anderson County juvenile court until a successor is elected and qualified at the regular August election in 1998. At the regular August general election in 1998 and every eight (8) years thereafter, the qualified voters of Anderson County shall elect a person to serve as judge of the Anderson County juvenile court for a term of eight (8) years to begin September 1 of that same year. Such judge shall be licensed to practice law in this state and shall possess all of the other qualifications required by law for judges of inferior courts. The judge shall take and subscribe to the same oath of office as that prescribed for judges of the circuit courts and shall have all of the jurisdiction, powers, duties and authorities relating to juveniles as is conferred by Tennessee Code Annotated, Title 37, or any other general law. In the event the office of juvenile court judge shall become vacant for any reason before the expiration of the term of office or before a successor is elected and qualified, such vacancy shall be filled by the legislative body of Anderson County.

(c) Effective September 1, 2006, the annual salary for the position of Anderson County Juvenile Court Judge shall be increased by fifteen thousand dollars (\$15,000) from the amount the judge occupying such position received on August 31, 2006. The salary shall be increased by such amount in the first and each subsequent fiscal year until the annual salary for the position is equivalent to the annual salary established for the position of Anderson County General Sessions Court Judge. The final year of adjustment shall be in an amount necessary to make the salary of the juvenile court judge the same as that of the General Sessions Judge. After the annual salary for the juvenile judge position has been made equivalent to the position of General sessions Judge, the annual salaries for the two positions shall thereafter remain equal and subject to the annual salary provisions established by Tennessee Code Annotated, Section 16-15-5003. The Anderson County Juvenile Judge's salary shall be adjusted from time to time according to the dictates of Tennessee Code Annotated, Section 16-15-5003.

(d) When a juvenile court judge for Anderson County has been selected, qualified and sworn pursuant to the provisions of this act, the judge of the trial justice court shall be divested of all jurisdiction and authority conferred upon the juvenile court judge by this act and all such juvenile cases, except those which are in progress or which have been heard and taken under advisement, shall be transferred to the juvenile court judge upon taking office. Provided, however, to expedite the disposition of such cases and prevent caseload imbalance, the judge of the Anderson County juvenile court and the judge of the trial justice court may sit in either court by interchange when such judges deem it appropriate and necessary.

As amended by: Private Acts of 1991, Chapter 50,  
Private Acts of 2006, Chapter 78.

**SECTION 7.** That the term of the Juvenile Judge of Anderson County, Tennessee, shall run concurrently with the term of the Judge of the Trial Justice Court of Anderson County, Tennessee.

**SECTION 8.** (a) The duly elected Circuit Court Clerk shall be the clerk of the Anderson County Juvenile Court and shall assign no less than one (1) deputy clerk approved by the judge of the Juvenile Court to perform the clerical functions for the Juvenile Court of Anderson County, Tennessee.

(b) The clerk of the Juvenile Court shall receive fees of the office and shall pay out such sums as necessary for deputy clerks or other authorized expenses in the manner provided in Tennessee Code Annotated.

(c) There shall also be a secretary-receptionist for the Juvenile Court of Anderson County who may assist with clerical duties and who shall be appointed by and serve at the pleasure of the Juvenile Court Judge and shall be compensated directly from the Anderson County general fund.

As amended by: Private Acts of 1988, Chapter 189.

**SECTION 9.** That all the records of the County Court of Anderson County, Tennessee, relating to juveniles shall be transferred to the Juvenile Court of Anderson County, Tennessee, herein created, and said records shall be kept and maintained by the Clerk of the Juvenile Court of Anderson County, Tennessee, separate and apart in confidential files as is provided by the Tennessee Code Annotated relating to juvenile courts.

**SECTION 10.** [Deleted by Private Acts of 1991, Chapter 50].

**SECTION 11.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3rds) vote of the Quarterly County Court for Anderson County, Tennessee, on or before the first day of May 1961, and after its approval whenever the same shall occur prior to the first day of May 1961, this

Act shall take effect July 1, 1961, the public welfare requiring it. The approval or lack of approval by the first day of May 1961, of this Act shall be proclaimed by the presiding officer of the Quarterly County Court for Anderson County, Tennessee, and shall be certified by said officer to the Secretary of State as promptly as is reasonably possible.

**SECTION 12.** That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, and that should any portion of this Act be 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.

Passed: February 8, 1961.

## Court System - Historical Notes

### **Board of Jury Commissioners – Jurors**

The following acts once affected jurors or boards of jury commissioners in Anderson County, but are no longer operative.

1. Acts of 1804, Chapter 25, stated in the preamble that it was difficult to obtain freeholders to serve as jurors in Claiborne and Anderson counties because of the very extensive holdings of Henderson and Company in these two counties, therefore, it would be lawful hereafter to appoint householders to serve as jurors in these areas.
2. Private Acts of 1911, Chapter 285, established a three member board of jury commissioners in Anderson County (identified by the use of the 1910 Federal Census figures) appointed by the judges of the county holding the criminal courts. The board would select from the tax rolls, or other public sources of information, a number of people possessing certain qualifications who would constitute the jury list for the ensuing two years. Jurors for the various courts requiring them would be selected. Proper records of service, or non-service, would be kept by the clerk. Provisions were made to obtain jurors for special, or exhausted panels of jurors, and penalties were scheduled for those guilty of infractions of the terms herein.
3. Private Acts of 1915, Chapter 225, provided that in Anderson County each regular juror would hereafter receive \$2.00 per day for each day's attendance as a juror, plus such mileage, ferriage, and other benefits, as were then allowed by law.
4. Private Acts of 1915, Chapter 267, amended Private Acts of 1911, Chapter 285, Section 8, above, to the effect that, in the event after the regular venire were summoned for the term, the jury list was exhausted, making it necessary to have additional jurors summoned, or an additional panel provided from which jurors would be selected, the presiding judge could, in his discretion, select the number needed from the citizens of the county or direct the sheriff to summon persons to make up the jury.
5. Private Acts of 1947, Chapter 230, established a pay scale for jurors in Anderson County of \$4.00 per day for each day of regular attendance as a juror at courts in that county.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Anderson 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. Private Acts of 1824 (Ex. Sess.), Chapter 14, authorized the appointment of two more supreme court justices who would hold chancery court in each of the divisions twice a year instead of just once. The chancery court was held at Kingston on the first Monday in June and December for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount counties.
2. Public Acts of 1827, Chapter 79, created two chancery divisions in Tennessee, the eastern chancery division, which consisted of the courts meeting at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the western chancery division, which included the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
3. Public Acts of 1827, Chapter 88, Section 3, required the chancellors of the eastern division to hold the courts as scheduled in the act, mentioning the courts at Greenville, Rogersville, Carthage, McMinnville, and Kingston where the court would convene on the first Monday in June and December for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe.



4. Public Acts of 1829, Chapter 27, changed the opening dates for the chancery court's terms at Kingston to the fourth Monday of May and November annually.
5. Public Acts of 1831, Chapter 217, required the chancellor of the eastern division to hold hereafter a court of Knoxville on the third Monday in April and October for the counties of Campbell, Anderson, Knox, and Sevier, giving the people of Anderson County the privilege of filing their bills of complaint in Kingston, also. The chancellor of the division would appoint a clerk and master for this court to whom the clerk and master at Kingston would forward the case records.
6. Acts of 1832, Chapter 19, rearranged the schedules of the chancery courts in various cities but the court at Knoxville would continue to meet on the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, created three chancery divisions in Tennessee subsequent to the adoption of the new state constitution. The divisions, which were further divided into districts, would be presided over by chancellors, appointed by the general assembly, rather than by the justices of the state supreme court. In the eastern division the counties of Anderson, Knox, and Blount made up the sixth district whose court would assemble in Knoxville on the second Monday in April and October.
8. Acts of 1837-38, Chapter 116, Section 12, rescheduled the terms of the chancery courts at Jonesboro, Greenville, Rogersville, Tazewell, Dandridge, Knoxville, Pikeville, Madisonville and Kingston. The court at Kingston in the seventh district would meet on the fourth Monday in March and September, and at Knoxville in the sixth district on the first Monday in April and October.
9. Acts of 1843-44, Chapter 201, Section 3, declared that the citizens of Anderson County could thereafter file their bills in equity in the chancery court at Knoxville in Knox County or at the chancery court at Jacksborough in Campbell County.
10. Acts of 1851-52, Chapter 306, reestablished the chancery court at Jacksborough and added the counties of Anderson and Scott to that district. All papers, records, and pleadings belonging to the court and the suits pending between citizens of Campbell, Anderson, and Scott counties were transferred to the court at Jacksborough in Campbell County. The terms of this court would commence on the fourth Monday in June and December.
11. Acts of 1853-54, Chapter 56, granted to the citizens of Anderson County the privilege of hereafter filing their equity cases either in the court at Jacksborough, or at the court in Knoxville, as they might elect to do, any law to the contrary notwithstanding.
12. Acts of 1855-56, Chapter 164, Section 4 and 5, made Anderson County into a separate chancery district whose court would be conducted by the chancellor of the eastern division at the courthouse in Clinton on the first Thursday after the fourth Monday in June and December. Any cases of the citizens of Anderson County then pending in the courts at Jacksborough and Knoxville could at the request of either party be transferred to Clinton. All laws authorizing the filing of suits at Jacksborough and Knoxville were repealed.
13. Public Acts of 1857-58 Chapter 88, separated Tennessee into the eastern, middle, western, fourth, fifth, and sixth chancery divisions. Anderson County was assigned to the eastern division which also included the counties of Carter, Cocke, Knox, Union, Sevier, Johnson, Greene, Washington, Sullivan, Hawkins, Claiborne, Jefferson, Grainger, Campbell, and Hancock. The court terms would start in Anderson County on the fourth Monday of June and December at Clinton.
14. Public Acts of 1865, Chapter 7, revised the chancery court system in the state after the Civil War. The act created the eighth chancery division which contained the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn. A chancellor would be designated, or elected, for this district but until that event occurred, the old chancellors would continue to preside over the above courts. Terms would begin in Clinton on the first Monday in May and November of each year.
15. Public Acts of 1865, Chapter 14, Section 3, scheduled the terms of the chancery courts in the newly created eighth chancery division. The court terms for the Anderson County Court would begin on the first Monday in May and November. The chancellor was further empowered to hold the circuit court of these counties by interchange.
16. Public Acts of 1866-67, Chapter 40, Section 3, reset the terms of the chancery courts at Maynardsville in Union County and at Clinton in Anderson County where the court would meet on the second Monday in May and November of each year.
17. Public Acts of 1870, Chapter 32, divided the state into twelve chancery districts. The second chancery district included the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana.

18. Public Acts of 1870, Chapter 47, scheduled the terms of court for the chancery courts of every county in the State of Tennessee according to divisions. The chancery court of Anderson County would convene on the second Monday in May and November.
19. Acts of 1872, Chapter 15, Section 4, rescheduled the terms of the chancery courts in the second chancery division which was made up of the counties of Knox, Sevier, Union, Morgan, Fentress, Scott, Roane, Blount, Campbell, and Anderson whose court would meet on the first Monday in June and December.
20. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of the state. Of the eleven chancery divisions formed by the act, the second chancery division was composed of the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, and Scott. The Anderson County Chancery Court would meet at Clinton on the first Monday in June and December. This act, and several others, were considered by the state supreme court in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
21. Public Acts of 1887, Chapter 92, rearranged the terms of the chancery courts in the second chancery division. The chancery court in Clinton would meet on the third Monday in March and September.
22. Public Acts of 1899, Chapter 212, abolished the entire second chancery division in the state.
23. Public Acts of 1899, Chapter 214, moved the Sevier, Blount, and Loudon counties out of the second chancery division and into the first chancery division. The act further added Anderson, Union, Knox, Campbell, Roane, Morgan, and Scott counties to the twelfth Chancery Division, rescheduling the court terms for both divisions. The twelfth chancery division also included the counties of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock in addition to those named above. The chancery court of Anderson County would begin its terms of the first Monday in April and October.
24. Public Acts of 1899, Chapter 427, was the next major revision of the lower court system in the State. The act assigned to the second chancery division the counties of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson. Anderson County's Chancery Court would meet on the first Monday in February and August.
25. Public Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by revising the structure of the second chancery division to include the counties of Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon, and Scott. Chancery court terms would begin in Anderson County of the first Monday in April and October.
26. Public Acts of 1931 (Ex. Sess.), Chapter 38, was the last act appearing among the published volumes of private acts which related to the chancery courts. This act reorganized the chancery court system into fourteen chancery divisions of which the second chancery division was made up of the counties of Loudon, Hawkins, Claiborne, Hancock, Campbell, Roane, Scott, and Anderson where the chancery court would meet on the first Monday in April and October.
27. Public Acts of 1965, Chapter 120, created a law and equity court for Anderson County which had concurrent jurisdiction with the circuit and chancery courts and which would be operated under the same rules and procedure. The judges of this court must have the same qualifications as the circuit judge and chancellor and would be paid the same salary. The governor would appoint a judge to serve until the general election in 1966 when the judge would be elected for an eight year term. The circuit court clerk and the clerk and master would serve this court also counting the fees as they did in their other courts respectively. The first term of this court would start on the second Monday in April, 1965, and thereafter on the second Monday in June, August, October, December, February, and April. The sheriff was required to wait upon this court as he did the other courts and he would be paid the same fees and compensations. This act was repealed by Public Acts of 1974, Chapter 783.
28. Public Acts of 1967, Chapter 239, amended Public Acts of 1965, Chapter 120, above, in Section 6, by adding a provision that the official bonds entered into by the circuit court clerk and the clerk and master in their regular duties would also be applicable to their duties in this court. Section 10 was altered to provide that the county would furnish the judge of the law and equity court with suitable office space for himself and his staff, office equipment and supplies, and telephone service, so as to enable the judge to discharge the duties of his office. If the county failed to comply with this directive, the judge could direct the clerks to purchase the items and pay for them out of the fees of the court. Section 3 was changed to grant the law and equity judge full and equal power with the circuit and criminal judges, and the chancellors were to appoint a board of jury commissioners for Anderson County. This act was also repealed by Public Acts of 1974, Chapter 783, published herein.

**Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Anderson County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 146, provided that the clerk and master of Anderson County would receive a salary of \$720 per year, payable in monthly installments on the warrant of the county judge, or chairman, out of the regular county funds.
2. Private Acts of 1943, Chapter 303, expressly and entirely repealed Private Acts of 1927, Chapter 146.

**Circuit Court**

The following acts were once applicable to the circuit court of Anderson 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 1809, Chapter 49, formed five judicial circuits in the State of Tennessee assigning the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe to the second judicial circuit. All circuit courts would meet twice annually in each county. The circuit court would meet at the courthouse in Anderson County on the fourth Monday in February and August.
2. Private Acts of 1823, Chapter 214, stated that it would hereafter be lawful for the circuit court of Anderson County to be extended until Thursday after the fourth Monday in February and August of each year, provided, the business of the court should require it to be in session for that period.
3. Private Acts of 1824 (2nd Sess.), Chapter 153, made it lawful hereafter for the circuit court of Anderson to be held and continued until the second Thursday after the fourth Monday of February and August of each year provided the business of the court was not finished prior to that time.
4. Public Acts of 1835-36, Chapter 5, fashioned the state into eleven judicial circuits subsequent to the adoption of the new constitution. The second judicial circuit contained the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Morgan, and Anderson where the circuit court would meet on the second Monday of March, July, and November. There would be three terms each year of the circuit court instead of two as formerly provided.
5. Acts of 1837-38, Chapter 3, Section 7, changed the terms of the circuit court of Blount, Knox, and Morgan counties but left Anderson County's Circuit Court to meet on the second Monday in March, July, and November.
6. Acts of 1837-38, Chapter 308, authorized the judge of the second judicial circuit to have such portions of the records of the Anderson County Circuit Court transcribed into a good, and substantial book as he might think the safety and preservation of such records might require. When the same were transcribed the judge would verify and confirm the same by attaching his signature thereto.
7. Public Acts of 1857-58, Chapter 98, divided the state into sixteen judicial circuits of which the third judicial circuit was comprised of the counties of Monroe, Blount, Knox, Roane, and Anderson whose circuit court would begin its terms on the second Monday in March, July, and November.
8. Public Acts of 1865-66, Chapter 8, created the seventeenth judicial circuit in Tennessee. The counties of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland composed the circuit. The circuit court of Anderson County would begin its terms in Clinton on the second Monday in March, July, and November.
9. Public Acts of 1868-69, Chapter 15, Section 7, stated that the circuit court of Anderson County would hereafter be held at Clinton on the first Monday in January, May, and September instead of the dates heretofore established by law. All process would be made to conform to the above changes in the term dates.
10. Acts of 1869-70 (Ex. Sess.), Chapter 25, repealed the act which created the seventeenth judicial circuit, which was Public Acts of 1865-66, Chapter 8, and restored the third judicial circuit as the same was formerly constituted.
11. Public Acts of 1870, Chapter 31, formed Tennessee into 15 regular and one special judicial circuit. The third judicial circuit included the counties of Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount, and Christiana, if established.
12. Public Acts of 1870, Chapter 46, scheduled court terms for every term of every circuit court in the state. The circuit court of Anderson County, of the third circuit, would meet on the second Monday in March, July, and November.

13. Public Acts of 1873, Chapter 22, created the sixteenth judicial circuit in Tennessee which was composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The governor was authorized to appoint a judge and a district attorney-general until their successors could be elected. In Anderson County the circuit court would meet at Clinton on the second Monday in March, July and November.
14. Acts of 1885 (Ex. Sess.), Chapter 20, completely realigned the lower court system of the State. This act formed sixteen regular, and one special, judicial circuits. The second judicial circuit had in it the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Sevier, and Anderson whose terms for the circuit court would begin on the second Monday in February, June, and October.
15. Public Acts of 1891, Chapter 5, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, so as to hold the circuit court in Anderson County on the Monday next preceeding the first Monday in February, June, and October. All bonds and process outstanding would be made to conform to the requirements of this act.
16. Public Acts of 1899, Chapter 427, was a complete overhaul of the state's lower court system in which the fourteen judicial circuit was composed of the counties of Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Fentress, and Union. The terms of the Anderson County Circuit Court would begin on the third Monday in March, July, and November.
17. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, so as to reschedule the times of the circuit court terms in the second judicial circuit which consisted of the counties of Hamblen, Cocke, Campbell Sevier, Jefferson, Morgan, Scott, Grainger, Union, and Anderson where the court terms would begin on the first Monday in February, June, and October.
18. Acts of 1905, Chapter 359, created a separate criminal division in the second judicial circuit to which Anderson County was assigned. The times of which were set to the second Mondays in January, May and September.
19. Acts of 1905, Chapter 477, reset the opening dates of the circuit court terms for the counties in the second judicial circuit. Anderson County's Circuit Court would meet in Clinton on the third Monday in March, July, and November. The other counties in the circuit were Hamblen, Cocke, Campbell, Sevier, Jefferson, Grainger, Union, Morgan, Fentress, and Scott.
20. Acts of 1907, Chapter 205, changed the circuit court terms for some of the counties in the second judicial circuit. Anderson County would take up the dockets of the circuit court on the first Monday in March, July, and November.
21. Acts of 1931 (Ex. Sess.), Chapter 38, in its reorganization of the lower court system in the state formed twenty judicial circuits. The nineteenth judicial circuit, composed of the counties of Campbell, Morgan, Scott, Caliborne, Fentress, and Anderson, had both a civil and criminal division. The civil terms of the circuit court would begin in Anderson County on the second Monday in January, May, and September.

### **Circuit Court - Clerk**

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set in accordance with T.C.A. § 8-24-102. The following acts have no current effect, but once applied to the Anderson County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, fixed the salaries of the circuit court clerks throughout the state for the first time according to the population of the county in which they served, provided the clerks filed on January 1 of each year a sworn, itemized statement with the county judge, or chairman, showing the amount of fees paid into the office. If the fees were less than the annual salary stated, the county would provide the difference, but, if the fees exceeded the salary, the clerk could retain the excess. The circuit court clerk of Anderson County would have been paid \$1,000 a year under this system.
2. Private Acts of 1923, Chapter 697, set the annual salary of the circuit court clerk of Anderson County at \$1,200, provided the clerk would file with the county judge, or chairman, twice a year, on March 1 and September 1, a sworn, itemized statement, showing the total amount of fees collected in the office. If the fees were less than the salary, the county would pay the difference out of regular county funds, but the clerk could retain all the excess over the salary, if such were the case.
3. Private Acts of 1929 (Ex. Sess.), Chapter 58, provided that the circuit court clerk of Anderson County would be paid an annual compensation of \$1,500 for his services to be paid monthly on

the warrant of the county judge. All the fees, emoluments, and compensations accruing to the office of the circuit court clerk would be paid into the county treasury, and a monthly, sworn, and itemized report must be filed with the county judge by the clerk.

### **Criminal Court**

The following acts once pertained to the Anderson County Criminal Court, but are no longer current law.

1. Acts of 1905, Chapter 359, created a separate criminal court in the counties of Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union which would be known as the criminal court of the second judicial circuit. The court, which would hold its terms in Anderson County on the second Monday in January, May, and September, would have general and common law jurisdiction over all criminal cases in those counties. The circuit court clerks were to serve as clerks of the court, and the attorney-general of the second judicial circuit would prosecute except in Pickett County where the attorney general of the fifth judicial circuit would operate. The governor would appoint a judge to serve the court until the first day of September, 1906, when this court would cease to exist and the criminal jurisdiction would revert to the circuit courts as it was formerly exercised.
2. Public Acts of 1913, Chapter 13, created a criminal and law court for the counties of Hancock, Claiborne, Campbell, Scott, Morgan, and Anderson to be known as the criminal and law court of the second judicial circuit. The circuit court clerk would serve as clerk of the court which was given general and common law jurisdiction over all criminal and civil cases arising in the counties. The terms of court in Anderson County would begin on the first Monday in March, July, and November. The attorney general of the fifth judicial circuit would perform. The governor would appoint a judge to serve until September 1, 1914, when the judge elected in the August, 1914, general election would take over until September 1, 1918, when the Judge elected for an eight year term in August, 1918, would assume office. The judge of this court would also preside over the circuit courts of Anderson, and most of the other counties.
3. Private Acts of 1917, Chapter 768, amended Private Acts of 1913, Chapter 13, by designating the court created in that act as the court of the nineteenth judicial circuit. The judge and attorney general of the second judicial circuit were designated the judge and attorney general of the nineteenth judicial circuit.
4. Public Acts of 1929, Chapter 89, established a criminal court for the counties of Fentress, Anderson, Campbell, Morgan, Scott and Claiborne in the nineteenth judicial circuit. The act provided that the circuit court clerks in the named counties would serve as the clerks of the criminal court. The act provided for the election of a criminal court judge in the August 1930 general election to hold office until the next regular judicial election in August 1934.
5. Public Acts of 1931 (Ex. Sess.), Chapter 38, set up the court terms for the criminal courts of the nineteenth judicial circuit in Fentress, Campbell, Scott, Morgan, Claiborne, and Anderson where the terms would begin on the fourth Monday in January, May, and September.

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

The following acts once affecting Anderson 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, established ten solicitorial districts in the state and assigned the counties of Knox, Anderson, Morgan, Roane, and Rhea to the fourth solicitorial district.
2. Public Acts of 1929, Chapter 91, established the position of assistant attorney general for the nineteenth judicial circuit of the state to which Anderson County belonged.
3. Public Acts of 1937, Chapter 74, created a position of criminal investigator for the nineteenth judicial circuit of the state.
4. Public Acts of 1965, Chapter 364, set the salary of all the assistant district attorneys general and criminal investigators of the nineteenth judicial circuit to \$4,800 per annum.
5. Public Acts of 1973, Chapter 322, created a position of criminal investigator for the nineteenth judicial circuit to provide for the appointment, qualifications, duties and compensation of said assistant.
6. Public Acts of 1975, Chapter 69, created the office of criminal investigator for the district attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.
7. Public Acts of 1975, Chapter 142, created the office of criminal investigator for the district

attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.

8. Public Acts of 1976, Chapter 520, created an office of assistant district attorney general for the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.

### **General Sessions Court**

The following act once affected the general sessions court of Anderson County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1959, Chapter 31, created a trial justice and juvenile court in Anderson County to meet at the courthouse where the county was obligated to provide accommodations, supplies, and equipment for the court. This court would exercise all the jurisdiction of justices of the peace in civil and criminal cases except the justice of the peace could continue to issue warrants and perform marriages but the warrants were returnable to the court created herein. This court would have and exercise concurrent jurisdiction with the chancery and circuit courts in divorce cases, and marriage annulments. Juvenile jurisdiction was removed from the county court and vested in this court. The rules of procedure formerly observed in the justice courts would also prevail in this court as well as the forms of pleading and practice now existing in the chancery and circuit courts. The act provided for a separate civil and criminal docket and specified the manner in which each one should be kept. The court was designated as a court of record whose terms would run from month to month on a six day week basis. Procedural rules not covered by the other adopted rules were promulgated for the orderly discharge of the court's business. Provisions were set up for the execution of bonds and for perfecting appeals from the court. The court would have one judge, the act naming W. Buford Lewallen to the position, who would be paid \$10,000 annually. The circuit court clerk would be the clerk of this court and all prior conflicting acts were repealed. This act was rejected by the quarterly county court and consequently never became an effective law.

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