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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.

Sincerely,

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## Chapter V - Court System

### Criminal Court Clerk

### Workhouse Bonds

### Private Acts of 1933 Chapter 329

**SECTION 1.** That in certain counties of this State having a population of not more than 24,310, nor less than 24,320, according to the Federal Census of 1930, or any subsequent Federal Census, all Workhouse Bonds shall be received, approved and collected by the Criminal Court Clerk of said counties, who shall have and exercise the powers now had or exercised by the various officials of said respective counties in respect to the receiving, approval and collection of such bonds. And such Clerk shall account for the funds so collected in the same manner as such collections are accounted for under the present or existing law.

**SEC. 2.** That before any such Clerk is authorized to accept, approve or receive any Workhouse Bond he shall first satisfy himself that said bond contains the name of at least two good solvent sureties, and the willful violation of this provision of this Act shall render said Clerk and his official bondsmen liable for such bond or bonds so taken.

**SEC. 3.** That such Clerk shall not take or receive any such bond while his Court is in session for any fine or judgment imposed at such session of said Court; provided, however, that this Section shall not prevent the securing of fine or judgment in open Court, as is now provided by existing law.

**SEC. 4.** That said Clerks shall receive as compensation for their services in receiving, approving and collecting said Workhouse Bonds, in addition to any compensation they may now receive, a commission of ten per cent (10%) on all sums collected and reported, which commission shall be deducted by such Clerks in and at the time of making and reporting such collections to the County Trustee of said respective counties.

**SEC. 5.** That each and every Workhouse Bond shall bear, and there shall be incorporated therein the following words and figures: "And if this bond is placed in the hands of an attorney for collection, or if suit is instituted thereon, we, the principal and sureties, agree to pay 15% attorney fees in addition to the principal and interest, and all other fees and charges." And in case any Workhouse Bond is placed in the hands of an attorney for collection or suit is instituted thereon, that said 15% attorney fees, in addition to the principal, interest and other fees and charges on and of said Workhouse Bonds shall become due and payable.

**SEC. 6.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SEC. 7.** That this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1933.

## Court System - Historical Notes

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

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

1. Acts of 1801, Chapter 59, stated that Claiborne County send three jurors to the superior court. This act was repealed by Private Acts of 1978, Chapter 163.
2. 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 & Company* in these two counties, therefore, it would be lawful hereafter to appoint householders to serve as jurors in these areas.
3. Acts of 1905, Chapter 344, created a board of jury commissioners for Claiborne County.
4. Private Acts of 1917, Chapter 180, brought Claiborne County under the provisions of the board of jury commissioner act passed for other counties.
5. Private Acts of 1919, Chapter 441, fixed the time for appointing the board of jury commissioners and extended the appointments of the board.

6. Private Acts of 1949, Chapter 343, set the compensation of the grand jury foremen at a rate of \$5.00 per day.
7. Private Acts of 1963, Chapter 105, fixed the compensation of jurors at \$6.00 for each day's service.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Claiborne 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 (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 Rogersville on the first Monday in May and November for Sullivan, Hawkins, Grainger and Claiborne counties.
2. Public Acts of 1827, Chapter 88, Section 3, changed the time of holding the chancery court in Claiborne County to the first Monday in May and November at Rogersville.
3. Public Acts of 1835-36, Chapter 4, created the fourth chancery district which included the counties of Claiborne, Grainger and Campbell. The times of which were set to the fourth Mondays of February and September at Tazewell.
4. Private Acts of 1835-36, Chapter 94, Section 2, changed the times of holding the chancery court of Claiborne County to the first Monday of March and the fourth Monday of September.
5. Acts of 1837-38, Chapter 116, changed the times of holding the chancery courts in the state. The chancery courts of the fourth district, which included Claiborne County, were to be held on the first Mondays in June and December.
6. Public Acts of 1857-58, Chapter 88, prescribed the times and places for holding the chancery courts in the state. The times for holding the chancery court of Claiborne County was changed to the first Mondays of June and December at Tazewell.
7. Public Acts of 1865-66, Chapter 41, altered the first chancery district and changed the time of holding the courts in the same. The times for holding the chancery court for Claiborne County was changed to the second Mondays of April and October.
8. Public Acts of 1870, Chapter 32, divided the state into chancery districts. Claiborne County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Grainger, Jefferson, Cocke, Powell and Hamblen counties.
9. Public Acts of 1870, Chapter 47, fixed the time for holding the chancery courts of the state. The time for holding the Claiborne County Chancery Court was set to the second Mondays of April and October.
10. Public Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits and chancery divisions. Claiborne County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Grainger, Jefferson, Cocke, Hamblen and Unicoi counties. The time for holding the Claiborne County Chancery Court was set for the second Mondays in April and October.
11. Public Acts of 1891, Chapter 135, established a chancery district out of the third and fourth civil districts of Claiborne County. The was held at the town of Cumberland Gap by the chancellor of the first chancery division of the state on the fourth Monday of January and the third Monday in June of each and every year. This act was repealed by Public Acts of 1893, Chapter 112.
12. Public Acts of 1891, Chapter 165, amended Public Acts of 1891, Chapter 135, by changing the times of the chancery court to the second Monday in April and October.
13. Public Acts of 1893, Chapter 100, created and placed Claiborne County within the twelfth chancery division. The court was held on the second Monday April and October.
14. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and provided the times for holding the chancery court in each district. Claiborne County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Hancock, Grainger, Hamblen and Cocke counties. The times for holding the chancery court of Claiborne County was set to the first Monday in May and November.
15. Acts of 1901, Chapter 438, amended Public Acts of 1899, Chapter 427 by moving the counties of Claiborne, Hawkins, Hamblen, Grainger, Hancock, Union, Campbell, Anderson, Roane, Loudon and Scott into the second chancery division. The times for holding said court in Claiborne County was

changed to the second Monday in April and October.

**Chancery Court - Clerk and Master**

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

1. Private Acts of 1915, Chapter 138, set the minimum salary of the clerk and master of the Claiborne County Chancery Court at \$800 per annum.
2. Private Acts of 1925, Chapter 292, increased the clerk and master's salary to \$1,200 per annum.

**Circuit Court**

The following acts were once applicable to the circuit court of Claiborne 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 (1st Sess.), Chapter 49, formed five judicial circuits in the state assigning the counties of Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne and Campbell to the fifth circuit. The time of holding the circuit court of Claiborne County was set to the third Monday in the months of April and October.
2. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state and prescribed the time for holding said courts. The counties of Claiborne, Greene, Washington, Carter, Johnson, Sullivan, Hawkins and Grainger made up the first judicial circuit. The time for holding the Claiborne County Circuit Court was set to the fourth Monday in April, August and December.
3. Acts of 1837-38, Chapter 3, amended Public Acts of 1835-36, Chapter 5, by placing Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell counties in the twelfth judicial circuit. The times for holding the circuit court of Claiborne County was set for the third Monday in May, September and January.
4. Acts of 1837-38, Chapter 116, change the times of holding the circuit courts in the state. The times for holding the circuit court of Claiborne County was changed to the second Mondays in May, September and January.
5. Acts of 1847-48, Chapter 132, set the times for holding the Claiborne County Circuit Courts to the first Monday in January, May and September.
6. Acts of 1851-52, Chapter 167, Section 5, changed the times for holding the circuit court in Claiborne County to the second Mondays in January, May and September.
7. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts in the State. The circuit court of Claiborne County was set to the second Mondays in January, May and September.
8. Public Acts of 1870, Chapter 31, divided the state into fifteen judicial circuits. The second judicial circuit was comprised of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
9. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts in the state. The circuit court of Claiborne County was set to the first Monday in January, May and September.
10. Public Acts of 1879, Chapter 110, set the time for holding the Claiborne County Circuit Court to the Monday next preceding the first Monday of March, July and November.
11. Public Acts of 1881, Chapter 18, set the time for holding the Claiborne County Circuit Court to the fourth Monday in March, July and November.
12. Public Acts of 1885, Chapter 20, Extra Session, divided the state into judicial circuits and chancery divisions. Claiborne County was placed in the second judicial circuit along with Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier counties. The times for holding the Claiborne County Circuit Court was set to the first Mondays in March, July and November.
13. Public Acts of 1899, Chapter 409, detached Claiborne County from the second judicial circuit and attached it to the first judicial circuit. Furthermore, the time for holding the court was changed to the third Monday in June, October and February.
14. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and fixed the time for holding the terms of the circuit courts. Claiborne County was placed into the first judicial circuit along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins and Hancock counties. The times for holding the circuit court of Claiborne County was set to the fourth Monday in March, July and November.
15. Acts of 1903, Chapter 198, set the time for holding the Claiborne County Circuit Court to the fourth Monday in March, July and November.

16. Private Acts of 1917, Chapter 768, detached Claiborne County from the second judicial circuit and created the nineteenth judicial circuit which included Claiborne.
17. Private Acts of 1933, Chapter 197, required the circuit court of Claiborne County to be held by the circuit judge of the second judicial circuit. This act was subsequently repealed by Private Acts of 1937, Chapter 824.
18. Public Acts of 1939, Chapter 61, amended Section 159 of the 1932 Official Code of Tennessee by changing the circuit court times for Claiborne County to the third Monday in March, July and November.

#### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Claiborne 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. Private Acts of 1824, Chapter 30, authorized the Claiborne County Circuit Court Clerk to build an office for the safe keeping of the records of said court.
2. Private Acts of 1831, Chapter 42, provided for the relief of the clerk of the circuit court of Claiborne County.
3. Private Acts of 1831, Chapter 202, released Wesley Simmons, Isham Simmons, John Day and William Day of Claiborne County from paying a fine of \$40, each, which was imposed on them on the April term of the Claiborne County Circuit Court.
4. Private Acts of 1927, Chapter 391, set the compensation of the circuit court clerk at \$800 plus fees.
5. Private Acts of 1927, Chapter 602, increased the minimum salary of the circuit court clerk to \$1,800 per annum.
6. Public Acts of 1929, Chapter 89, Section 4, stated that the circuit court clerk of Claiborne County shall be the clerks of the newly established criminal court. The clerks were assigned to perform the same duties and receive the same compensation as was provided by law in all criminal cases, as it applied to Claiborne County.
7. Private Acts of 1937, Chapter 295, fixed the compensation of the circuit court clerk at \$1,800 per annum, payable out of county funds and required the clerks to turn over all fees collected to the county.

#### **Criminal Court**

The following acts once pertained to the Claiborne 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 90, created a criminal court for Claiborne County. This act, as it effected Claiborne County, was subsequently repealed by Public Acts of 1867-68, Chapter 49.
2. Public Acts of 1913, Chapter 13, created a criminal court for the counties of Hancock, Claiborne, Morgan, Scott, and Anderson which was named the criminal and law court for the second judicial circuit of Tennessee. The time for holding the court in Claiborne County was set to the fourth Monday in March, July and November.
3. Public Acts of 1929, Chapter 89, established a criminal court in Fentress, Anderson, Campbell, Morgan, Scott and Claiborne counties. The times for holding the criminal court of Claiborne County was set for the third Mondays in April, August and December at Tazewell.
4. Private Acts of 1937, Chapter 178, set the time for holding the Claiborne County Criminal Court on the first Mondays in April, August and December.
5. Public Acts of 1937, Chapter 59, amended Public Acts of 1929, Chapter 89, by providing the criminal court of Claiborne County be held on the first Mondays in April, August and December.

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

The following act once affecting Claiborne County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1929, Chapter 91, established the position of assistant attorney general for the nineteenth judicial circuit of the state to which Claiborne County belonged.

#### **General Sessions Court**

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

1. Private Acts of 1957, Chapter 411, created a general sessions court for Claiborne County. This act

did not take effect as it was rejected by the local authorities.

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