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# Court System - Historical Notes

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

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

Sincerely,

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# Court System - Historical Notes

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

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

1. Acts of 1797, Chapter 7, required Cocke County to send four jurors to serve in the superior court of the Hamilton District.
2. Acts of 1903, Chapter 552, was the first private act creating a board of jury commissioners for Cocke County. Unlike most boards, this one only had two members, to be of different political parties, and to be appointed by the circuit and criminal court judges.
3. Private Acts of 1911, Chapter 146, was the next private act creating a board of jury commissioners for Cocke County, with the customary three members, appointed by the circuit and criminal court judges. While most of the provisions of this act were similar to those now found in the general law, one section did provide that service on a jury would not be a disqualification for further jury service for a period of two years. This section was repealed by an amendment found in Private Acts of 1935, Chapter 420.
4. Private Acts of 1947, Chapter 442, set the per diem of jurors at \$3.00.
5. Private Acts of 1949, Chapter 256, set the salary of the jury commissioners at \$4.00 per day for each day actually employed in the discharge of their official duties.
6. Private Acts of 1949, Chapter 257, set the per diem of jurors at \$4.00.
7. Private Acts of 1949, Chapter 343, provided that the foreman of the grand jury would receive a per diem of \$5.00.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Cocke 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 1824, Chapter 14, Section 8, fixed the time and place of holding the Cocke County Chancery Court to the third Mondays in May and November.
2. Private Acts of 1826, Chapter 90, set the terms of chancery court in Cocke County on the second Mondays in May and November.
3. Public Acts of 1827, Chapter 88, Section 3, fixed the time and place of holding the Cocke County Chancery Court to the third Mondays of May and November at Greenville in Greene County.
4. Public Acts of 1829-30, Chapter 27, altered the time of holding the chancery court for Cocke County to the second Mondays in May and November.
5. Public Acts of 1835-36, Chapter 4, established chancery courts for the state. The fifth chancery district was composed of the counties of Cocke, Jefferson and Sevier which was held at Dandridge on the first Mondays in April and October.
6. Acts of 1853-54, Chapter 127, provided that Cocke County would constitute a separate chancery district and that chancery court would be held in Newport on the third Mondays in June and December. This was amended by Acts of 1855-56, Chapter 31, to change the terms of chancery court to the first Mondays in March and September.
7. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding the chancery courts in the state. The Cocke County Chancery Court was set for the first Mondays of March and September at Newport.
8. Public Acts of 1865-66, Chapter 41, changed the terms of chancery court to the Wednesday after the fourth Monday in February and August.
9. Private Acts of 1865-66, Chapter 129, provided that all the courts for Cocke County were to be held in Newport, until new public buildings could be constructed at the site of the new county seat, provided that the voters approved the removal of the county seat from Newport.
10. Public Acts of 1870, Chapter 32, divided the state into chancery districts. Cocke County was placed in the first chancery division along with Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Powell and Hamblen.
11. Public Acts of 1870, Chapter 47, fixed the times for holding the chancery courts of the state. The

Cocke County Chancery Court was set to the first Wednesdays after the fourth Mondays of February and August.

12. Public Acts of 1870-71, Chapter 72, provided that all courts for Cocke County were to be held at Newport Depot, otherwise called Clifton, in any suitable house. This act permitted the courts to adjourn from the "dilapidated Court House in Newport."
13. Public Acts of 1873, Chapter 32, was the last private act setting the dates of chancery court terms; this act provided that Chancery court in Cocke County would be held on the fourth Mondays in February and August.
14. Public Acts of 1891, Chapter 165, fixed the times of holding chancery court in the first chancery division. The chancery court of Cocke County was set to fourth Monday in February and August.
15. Public Acts of 1899, Chapter 427, divided the state into chancery divisions. The first chancery division was composed of Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Hancock, Claiborne, Grainger, Hamblen and Cocke. The time for holding chancery court in Cocke County was set for the first Monday in June and December.

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

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

1. Private Acts of 1911, Chapter 69, set the salary of the clerk and master at \$900 per annum, to be paid out of the fees of that office. The clerk and master was required by this act to file an annual statement of the fees received by his office, and if the fees collected amounted to more than the salary provided by this act, the clerk and master could retain any excess. This was amended by Private Acts of 1917, Chapter 759, to raise the annual salary to \$1,000. Both of these acts were repealed by Private Acts of 1921, Chapter 887.
2. Private Acts of 1921, Chapter 887, in addition to specifically repealing the prior private acts setting the salary of the clerk and master in Cocke County, also provided that the clerk and master would be paid \$2,000 per annum, provided that he filed a quarterly statement of the fees received by his office with the county court clerk.
3. Private Acts of 1933, Chapter 789, lowered the salary of the clerk and master in Cocke County, perhaps in reflection of the depressed economic conditions throughout the country. This act provided that the maximum salary which could be received by the Cocke County clerk and master would be \$1,800 annually. This act was repealed by Private Acts of 1935, Chapter 747.
4. Private Acts of 1935, Chapter 747, again lowered the salary of the office of clerk and master in Cocke County, to \$1,500 annually, requiring a quarterly statement of fees received by the office, and providing that the clerk and master could retain any excess fees collected over and above the amount of his salary.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Cocke County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 127, directed the secretary of state to furnish the Cocke County Circuit Court Clerk with copies of Yerger's Reports of the Tennessee Supreme Court decisions.
2. Public Acts of 1882 (3rd Ex. Sess.), Chapter 2, provided that the circuit and chancery court clerks were to receive from the secretary of state the reports of supreme court decisions through December 30, 1876.
3. Private Acts of 1917, Chapter 760, provided that the circuit court clerk was to receive an annual salary of \$1,000, payable from the fees of that office. The clerk was required to file an annual statement of the fees received by his office, and if they exceeded \$1,000, he could retain the excess. This was repealed by Private Acts of 1929, Chapter 74.
4. Private Acts of 1933, Chapter 791, set the salary of the circuit court clerk at \$1,800 annually.

### **Criminal Court**

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

1. Acts of 1809, Chapter 49, First Session, placed Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledsoe counties in the second judicial circuit, and this act also provided that the terms of circuit court in Cocke County would be held on the second Mondays in January and July.
2. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The second

- judicial district was composed of the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson and Morgan.
3. Public Acts of 1835-36, Chapter 19, Section 2, set the term of the circuit court of Cocke County to the first Monday in May and the second term of said court to the second Monday of September.
  4. Acts of 1837-38, Chapter 3, changed the dates of circuit court terms in Cocke County to the third Mondays in April, August and December.
  5. Acts of 1837-38, Chapter 116, changed the dates of the circuit court of Cocke County to the first Mondays in April, August and December.
  6. Acts of 1847-48, Chapter 132, again changed the opening terms of the circuit court, to the third Mondays in March, July and November.
  7. Acts of 1851-52, Chapter 352, provided that circuit court terms in Cocke County would be held on the first Monday after the fourth Mondays in March, July and November of each year.
  8. Public Acts of 1857-58, Chapter 98, prescribed the times of holding the circuit courts of the state. The Cocke County Circuit Court was set to the first Mondays after the fourth Mondays of March, July and November.
  9. Private Acts of 1865-66, Chapter 129, provided that all the courts for Cocke County were to be held in Newport, until new public buildings could be constructed at the site of the new county seat, provided that the voters approved the removal of the county seat from Newport.
  10. Public Acts of 1870, Chapter 31, laid the state into judicial circuits. Cocke County was placed in the second judicial circuit, along with Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
  11. Public Acts of 1870, Chapter 46, fixed the time of holding the circuit courts of the state. The circuit court of Cocke County was set for the fourth Mondays of March, July and November.
  12. Public Acts of 1870-71, Chapter 72, provided that all courts for Cocke County were to be held at Newport Depot, otherwise called Clifton, in any suitable house. This act permitted the courts to adjourn from the "dilapidated Court House in Newport."
  13. Acts of 1885 (Ex. Sess.), Chapter 20, placed Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier counties in the second judicial circuit.
  14. Public Acts of 1899, Chapter 427, divided the state into judicial districts. The second judicial circuit was composed of the counties of Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union and Fentress. The circuit court for Cocke County was set for the third Monday in February, June and October.
  15. Acts of 1903, Chapter 227, set the terms of circuit court in Cocke County on the third Mondays in January, May and September.
  16. Acts of 1905, Chapter 477, provided that circuit court terms in Cocke County would begin on the third Mondays in January, May and September.
  17. Acts of 1907, Chapter 205, fixed the time of holding the circuit courts in the second judicial circuit. The circuit court of Cocke County was set to the third Mondays in January, May and September.
  18. Public Acts of 1913, Chapter 13, Section 10, set the dates for holding the Cocke County Circuit Court to the third Monday in January, May and September.
  19. Private Acts of 1929, Chapter 345, set the dates for holding circuit court on the first Mondays in February, June and October.
  20. Private Acts of 1935, Chapter 332, was a private act which amended the general law found in Public Acts of 1931 (Ex. Sess.), Chapter 38, to provide that circuit court in Cocke County would be held on the fourth Mondays in January, May and September.
  21. Public Acts of 1947, Chapter 138, provided for the holding of monthly terms of the circuit court of Cocke County, for the trial and disposition of civil cases, and questions arising on demurrers, dilatory pleas, motion, and applications to amend pleadings; to regulate the issuance and return of process, issuing from said circuit court in civil cases.
  22. Public Acts of 1951, Chapter 17, fixed the time of holding the circuit court of the second judicial circuit. The circuit court of Cocke County was set to the fourth Monday in January, May and September.
  23. Public Acts of 1955, Chapter 19, fixed the time of holding the circuit court of the second judicial circuit. The time for holding the circuit court of Cocke County was set to the first Monday in

January, May and September.

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

The following acts once affecting Cocke County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, created the third solicitorial district, to consist of the counties of Cocke, Jefferson, Sevier and Blount.
2. Public Acts of 1931, Chapter 64, created the office of assistant attorney-general for the second judicial circuit which were composed of the counties of Cocke, Grainger, Hancock, Jefferson, Sevier and Union. The act prescribed the qualifications and duties of such office and fix the compensation.
3. Public Acts of 1976, Chapter 611, amended Public Acts of 1939, Chapter 65, (not published herein), which provided for a criminal investigator for the second judicial circuit in Tennessee by removing the requirement from Chapter 65 that the criminal investigator be a practicing attorney.

**Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Private Acts of 1979, Chapter 140, authorized the general sessions judge of Cocke County to hire a secretary. The secretary of state's office has no information as to the ratification of this act.

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