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Chancery Court

Dear Reader:

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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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Chancery Court

Public Acts of 1955 Chapter 201

SECTION 1. That the Chancery Court of Hamilton be and hereby is divided into two parts designated as Part 1 and Part 2.

Five terms of said Court in both parts shall be held annually beginning on the first Mondays in February, April, June, October and December of each year. Said Court in each part shall have such jurisdiction and powers as are now exercised by said Court.

Part 2 of said Court in addition shall have exclusive jurisdiction and powers with respect to the probate of wills and administration of estates as now exercised by the County Court of Hamilton County, which is hereby divested of such jurisdiction and power, but this provision shall not affect or impair the powers and functions of the County Judge of Hamilton County in other respects.

The procedure, rules of practice, and laws governing the Chancery Court of Hamilton County shall be the same as now in force, except where expressly changed by this Act, and the Court shall be considered open for orders at rules and other like purposes whenever either part of said Court has not finally adjourned for the term; and each part of said Court shall regulate its own sessions and sit upon its own adjournments.

SECTION 2. That the present Chancellor of Hamilton County and his successors in office shall sit and hold regularly in Part 1, and an additional office of Chancellor of Hamilton County is hereby created which shall be filled by the appointee hereinafter provided until the election of a Chancellor to fill said office as provided by this Act, and said Chancellor and his successors in office shall sit and hold Court regularly in Part 2, but if at any time the business of either part shall have been included by the trial of all causes at issue and ready for hearing at that term, and there shall remain causes undisposed of in the other part of said Court, then it shall be the duty of both Chancellors to sit in the trial of causes in either part until same shall have been determined, and in such cases such apportionment of such undisposed causes shall be by said Chancellors between them, and in such way and at such times as shall conduce to a speedy termination thereof, but all decrees in said causes shall be entered on the minutes of the part of said Court in which said causes are finally tried.

SECTION 3. That as soon after the passage of this Act as may be practicable, the Chancellors of said Court shall apportion among the two parts thereof the causes now pending therein in such manner as to expedite the trial of causes, and the Rule Docket and Trial Docket shall each show the part to which causes are assigned, and thereafter each cause shall be for trial and proceed only in the part to which it is assigned unless apportioned by the Chancellors as hereinbefore provided, except that suits and proceedings with respect to the probate of wills and administration of estates shall be assigned to Part 2 of said Court.

The chancellors shall promptly assign each civil action brought in the chancery court for hearing and disposition.

As amended by: Private Acts of 1998, Chapter 162

SECTION 4. The chancellors, working with the clerk and master, shall establish the manner and timing of case assignments consistent with impartiality, equitable distribution of workload, and available technology.

As amended by: Private Acts of 1998, Chapter 162

SECTION 5. That the Clerk and Master of the Chancery Court of Hamilton County shall act as Clerk and Master for both Part 1 and Part 2 of said Court. Only one set of rule dockets and records shall be kept by said Clerk and Master as records of the general equity proceedings of said Court, but the minutes of each part shall be kept separately and signed by the respective Chancellors thereof, except that separate records shall be kept of suits and proceedings with respect to the probate of wills and administrations of estate, which shall be records of Part 2 of said Court and signed by the Chancellor thereof.

A single caption or opening order for each term of Court shall be sufficient without showing a formal opening of each division.

The compensation of said Clerk and Master shall be and remain as now or hereafter fixed by law, with the fees accruing to said Clerk for services rendered in each part of said court to be treated as if accruing in one Court only.

SECTION 6. That Hamilton County shall furnish for the sittings of each part of said Court separate rooms with necessary appurtenances and conveniences for holding of said Courts, and the Sheriff of said County shall, either in person or by Deputy, attend upon each part of said Court when in session.

SECTION 7. That the reorganization made by this Act shall not affect the office, powers, duties or

responsibilities of the Clerk and Master of said Court, but said Clerk and Master shall hold his office with all the powers, duties and responsibilities now attached thereto during the term for which he was appointed and until his successor shall be appointed by the chancellors of said Court, and shall qualify, except that the Clerk and Master with the approval of the Chancellor of Part 2, shall appoint a Deputy to be designated as Probate Deputy to act as Clerk, have possession of and keep the records and proceedings of said Part 2 with respect to the probate of wills and the administration of estates, with the powers now conferred by law upon the Clerk of the County Court with respect thereto.

SECTION 8. That the Governor shall immediately, upon the passage of this Act, appoint a person qualified under and learned in the law, to fill the office of Chancellor created by this Act, who shall hold said office until September 1, 1956, and until his successor is elected and qualified, and at the August election in 1956 there shall be elected by the qualified voters of said County a Chancellor of Part 2 of said Court, who shall hold his office until September 1, 1958, and until his successor is elected and qualified, and at the August election every eight years thereafter there shall be elected by the qualified voters of said County a Chancellor of Part 2 of said Court.

The Chancellor of Part 2 of said Court shall have and possess same qualifications and exercise the same powers and jurisdiction, receive the same compensation as other Chancellors in this State, in addition to the powers herein conferred with respect to the probate of wills and the administration of estates.

SECTION 9. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, parts or clauses be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent hereby declared that this Act would have been adopted even if such unconstitutional or voided matter had not been included herein.

SECTION 11. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 7, 1955.

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