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# Circuit Court

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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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# Circuit Court

## Private Acts of 1929 Chapter 10

**SECTION 1.** That the Circuit Court of Hamilton County shall hereafter be divided into two divisions, to be known as the First Division of the Circuit Court of Hamilton County, and the Second Division of the Circuit Court of Hamilton County; that said two divisions of said court shall be held and operated as the Circuit Court of Hamilton County under the Act creating said Circuit Court and under the general laws relating to Circuit courts, and that each division of said court shall have full and complete jurisdiction as a Circuit court, and each shall have equal and concurrent jurisdiction with the other in accordance with an orderly apportionment of the business of said court between said divisions as hereinafter provided. Both said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Circuit Court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Circuit Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 2.** That the Criminal Court of Hamilton County shall hereafter be divided into two divisions to be known as the First Division of the Criminal Court of Hamilton County, and the Second Division of the Criminal Court of Hamilton County; that said two divisions of said court shall be held and operated as the Criminal Court of Hamilton County under the Act creating said Criminal Court and under the general laws relating to Circuit and Criminal courts, and that each division of said court shall have full complete jurisdiction as a Criminal court, and each shall have equal and concurrent jurisdiction with the other, except as hereinafter provided. Both of said courts shall be held at the Court House in Chattanooga in rooms to be provided by Hamilton County, and at such times and terms as now provided by law relative to said Criminal court, *provided*, that either division may convene or adjourn without regard to the sessions of the other, and *provided*, that no final adjournment of the said Criminal Court for any term shall be taken except by expiration by law or by joint order of both divisions.

**SECTION 3.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit for the purpose of providing a judge to hold the Second Division of the Circuit Court of Hamilton County and the Second Division of the Criminal Court of Hamilton County. It shall be the duty of the Governor to appoint a Judge to fill such position, who shall hold office until the next regular August election and until his successor is elected and qualified in accordance with general law. Said judge shall be qualified as other Circuit judges, shall hold his office for the same term, and receive the same compensation and shall possess the same powers and jurisdiction as other Circuit judges of the State.

**SECTION 4.** That the First Division of the Circuit Court of Hamilton County shall be held by the present Circuit judge of the Sixth Judicial Circuit, whose position and office shall be officially designated "Judge First Division of the Circuit Court of Hamilton County," that the First Division of the Criminal Court of Hamilton County shall be held by the present judge of the Criminal Court of the Sixth Judicial Circuit, whose position and office shall be designated "Judge First Division of the Criminal Court of Hamilton County"; that the Second Division of the Circuit Court of Hamilton County shall be held by the judge provided for in this Act, whose position and office shall be officially designated "Judge Second Division of the Circuit Court of Hamilton County"; that the Second Division of the Criminal Court of Hamilton County shall be held by the judge provided for in this Act.

**SECTION 5.** That the powers and jurisdiction of the three judges shall be equal, co-ordinate and concurrent, and either judge may hold either court, or division thereof, as may be convenient and to the public good, as determined by said judges.

**SECTION 6.** That the Circuit Court Clerk and the Criminal Court Clerk shall respectively act as Clerk of the Second Division of the Circuit Court and the Second Division of the Criminal Court. Only one set of dockets, records, and minutes shall be kept by each of the Circuit and Criminal courts, but the minutes of each division shall be kept by the respective clerks separately in the Minute Book, and signed by the presiding judge, but one caption, or opening order, for each term of each court shall be sufficient, without showing a formal opening of each division.

**SECTION 7.** That it shall be the duty of the said three judges to meet at least once each month during Court sessions and apportion the work of the Circuit Court and the Criminal Court between the various divisions of said courts to the end that substantially one-third of all the business of said courts shall be performed by each of said judges, and for this purpose said three judges are hereby invested with the power and duty to make rules and regulations covering the division of the court business, the assignment of trial dockets, the interchange of judges, the drawing and assigning of jurors, the hearing of motions,

and the adoption of co-ordinate rules and assigning the court business and making rules as aforesaid, said three judges shall act as one court, convening as the Circuit Court for the consideration of orders and rules pertaining to that court, and convening as the Criminal Court for the consideration of orders and rules pertaining to that court, and such orders and rules shall be spread upon the minutes of the respective courts and signed by the presiding judge.

**SECTION 8.** That the grand jury of the Criminal Court of Hamilton County shall be empaneled, sworn, and charged in the First Division of the Criminal Court, and shall make all reports to said Division. The appointment of the foreman of the grand jury, in accordance with existing law, shall be made by the judge of the First Division of the Criminal Court. It shall be the duty of the Attorney-General of the Sixth Judicial Circuit, and his assistants, to represent the State in all prosecutions and the State causes assigned for trial in the Second Division of the Criminal Court, and this service shall be rendered without additional compensation.

**SECTION 9.** That all pleading and process shall run in the name of the Circuit or Criminal Court of Hamilton County, as the case may be, as now provided by law, and no distinction in this respect shall be made as to the divisions of said courts.

**SECTION 10.** That the judge of the Second Division of the Circuit Court is authorized to appoint a Court officer, in accordance with the existing power of the judge of the Circuit Court of Hamilton County, and such officer shall receive compensation in the same manner and amount as now paid the officer of said Circuit Court. The present judge of the Circuit Court and the present judge of the Criminal Court shall have the same power to appoint court officers as they now have by existing law.

**SECTION 11.** That the Acts of 1903, Chapter 361, establishing the Criminal Court of the Sixth Circuit, and fixing the jurisdiction of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; that the Public Acts of 1915, Chapter 18, making Hamilton County the Sixth Circuit and providing for the holding of the Circuit and Criminal Courts of said circuit, is hereby amended so as to conform to the provisions of this Act; and that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

**SECTION 12.** That this Act take effect from and after the first Monday of the month following its passage, the public welfare requiring it.

Passed: January 23, 1929.

## Private Acts of 1959 Chapter 256

**COMPILER'S NOTE:** See Private Acts of 1929, Chapter 10, reproduced following this Act.

**SECTION 1.** That a Circuit Court for the Sixth Judicial Circuit to be styled the "Fourth Division of the Circuit Court of Hamilton County" be, and it hereby is created and established.

**SECTION 2.** That the Fourth Division of the Circuit Court of Hamilton County shall be held in the courthouse in the City of Chattanooga, Tennessee, and the County Council of Hamilton County shall provide suitable quarters with necessary equipment and appurtenances for the holding of the sessions of said Fourth Division of the Circuit Court.

**SECTION 3.** That the powers and jurisdiction of the Fourth Division of the Circuit Court of Hamilton County shall be equal and concurrent with the other divisions of said Circuit Court, and all laws applicable to the other divisions shall be applicable to said Fourth Division of said Circuit Court of Hamilton County.

**SECTION 4.** That the practice and procedure in said Fourth Division of the Circuit Court of Hamilton County shall be the same as in the other divisions of said Circuit Court and all laws, rules and regulations relating to practice and procedure, shall be applicable to all divisions of said Circuit Court.

**SECTION 5.** That the Clerk of the Circuit Court of Hamilton County shall act as Clerk of the Fourth Division of said Circuit Court as well as for all other divisions of said Circuit Court and shall keep dockets, records and minutes thereof as now or may hereafter be provided by law and rules of said Court. The compensation of said Clerk shall be and remain as it is now or may hereafter be fixed by law with the fees accruing to said Clerk for services rendered in each of the four divisions of said Circuit Court to be treated as accruing in one Court only.

**SECTION 6.** That there is hereby created the office of an additional Circuit Judge for the Sixth Judicial Circuit, for the purpose of holding the Fourth Division of the Circuit Court of Hamilton County, who shall be a person qualified by law to hold said office, to be appointed by the Governor of the State of Tennessee to fill such office as Judge, and to hold office until September 1, 1960, and until his successor is elected and qualified in accordance with the general law. Said Judge shall be qualified as other Circuit Judges of the State, shall hold office for same term, shall receive the same compensation, and shall possess the same

powers and jurisdiction as other Circuit Judges of the State, and elections to the vacancies in said office shall be held and filled in the manner provided by general law.

**SECTION 7.** That the powers and jurisdiction of the Judge of the Fourth Division of the Circuit Court of Hamilton County shall be equal, coordinate and concurrent with the powers and jurisdiction of the Judges of the other divisions of said Circuit Court.

**SECTION 8.** That the Judge of the Fourth Division of the Circuit Court of Hamilton County is authorized to appoint a court officer, in accordance with the existing power of the Judges of the other divisions of said Circuit Court, and that such officer shall receive compensation in the same manner and amount as is paid the court officers of the other divisions of said Circuit Court.

**SECTION 9.** That all laws or parts of laws in conflict with the provisions of this Act be, and the same hereby are repealed, and that this Act shall take effect from July 1, 1959, the public welfare requiring it.

Passed: March 19, 1959.

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