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## Chapter V - Court System

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## Chapter V - Court System

### Circuit Court

#### Private Acts of 1969 Chapter 163

**SECTION 1.** That regular terms of the Circuit Court of Union County, with general jurisdiction to try and dispose of civil and criminal cases, shall continue to convene and be held on the First Monday in February, June, and October of each year as now provided by law; and that, in addition to such regular terms, monthly terms of said Circuit Court shall convene and be held on the First Monday of each and every month of the year, with jurisdiction to try and dispose of all civil cases within the jurisdiction of said Circuit Court as now defined by law, except cases in which a jury trial shall have been or shall be regularly demanded.

**SECTION 2.** That all leading process hereafter issuing from said Circuit Court in civil cases shall be made returnable to the next First Monday of the month coming five or more days after the issuance of such process; and if, on the return day of such process, or in the first pleading tendering an issue, or on the first day of any term at which the case shall stand for trial, a jury trial shall be demanded, then the case shall automatically go over to the next regular term of said Circuit Court as distinguished from said monthly terms, and shall stand for trial in the regular way.

**SECTION 3.** That the jurisdiction of said Circuit Court at said monthly terms herein provided for shall be limited to the trial on non-jury cases, cases appealed from Justice of the Peace Courts, divorce cases and other cases involving domestic relations, equity cases coming within the jurisdiction of the Circuit Courts under the general law, and to the hearing and disposition of all issues and questions arising on demurrers, dilatory pleas, motions, and applications to amend pleadings in any civil case pending in said Court.

**SECTION 4.** That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, sentences, or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted and passed even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 6.** That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: May 7, 1969

### Juvenile Court

#### Private Acts of 1992 Chapter 180

**SECTION 1.** The incumbent judge of the Juvenile Court of Union County elected pursuant to Chapter 325 of the Private Acts of 1921, shall continue to serve in such capacity for the remainder of the term for which such judge was elected. For the remainder of such term such incumbent judge shall continue to exercise all of the powers and duties conferred by law upon the Juvenile Judge of Union County.

**SECTION 2.** If for any reason the Office of Juvenile Court Judge of Union County becomes vacant prior to the expiration of the term of the incumbent judge, the vacancy in such office shall not be filled and juvenile jurisdiction in Union County shall vest in accordance with Section 3 of this act.

**SECTION 3.** Upon the expiration of the term of office of the incumbent Juvenile Judge of Union County, or upon a vacancy in such Office of Juvenile Judge, whichever occurs first, all jurisdiction, duties and powers formerly exercised by such Juvenile Court Judge of Union County shall vest in the judge of the court of General Sessions as provided by law.

**SECTION 4.** If the transfer of juvenile jurisdiction in Union County occurs because of the expiration of the incumbent judge's term, at least thirty (30) days prior to the expiration of such term, the incumbent judge shall transfer or cause to be transferred all records, case files, and other documents relating to any case within the jurisdiction of such incumbent judge to the Judge of the General Sessions Court of Union County. If any case is pending in such juvenile court upon the expiration of the term of the incumbent Juvenile Judge, such case shall be completed by the General Sessions Judge upon the transfer of jurisdiction as provided by this act.

**SECTION 5.** Chapter 325 of the Private Acts of 1921, and all acts amendatory thereto, are repealed.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the legislative body of Union County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Union County Legislative Body and certified to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

PASSED: MARCH 25, 1992.

## Court System - Historical Notes

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

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

1. Private Acts of 1925, Chapter 109, created a board of jury commissioners for Union County. This act provided for the selection of juries, prescribed the duties of the members of said board, and of the judges, and provided for jury lists and jury boxes to be kept in the county.
2. Private Acts of 1935, Chapter 746, created a board of jury commissioners for Union County. This act provided for the selection of juries; prescribed the duties of the members of said board and the judge and provided jury lists and jury boxes.
3. Private Acts of 1961, Chapter 45, would have provided that every regular juror in Union County be paid \$5.00 a day for every day's attendance as a regular juror and special jurors empaneled to hear cases in chancery court to be paid the same. However, this act was not approved by Union County and therefore did not become law.
4. Private Acts of 1963, Chapter 59, would have paid jurors in Union County no less than \$5.00 nor more than \$8.00 for each day's attendance at court as a regular juror. Special jurors for the chancery court would have be paid the same, all coming out of the treasury of the county. However, this act was not approved by Union County and therefore never became law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Union 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. Acts of 1853-54, Chapter 56, Section 2, provided that Union County, when organized, would be a part of and attached to the Knox County Chancery District and bills were permitted to be filed at Tazewell in Claiborne County or at Knoxville in Knox County.
2. Public Acts of 1857-58, Chapter 88, provided the terms of court for the chancery court for Knox and Union counties would begin in Knoxville on the first Monday in April and October.
3. Private of 1857-58, Chapter 137 created a new chancery district for Union County which court would be held at Maynardville by the chancellor of the eastern division. The court term would start in Union County of the first Monday in May and November of each year. Suits pending in the chancery courts at Tazewell, Rutledge, Jacksboro, Clinton, and Knoxville which involved citizens then living in Union County could be transferred to the new court upon request of either party. The clerks and masters of those courts would then transfer the records within 40 days to the new court.
4. Public Acts of 1865-66, Chapter 41, provided that the terms of court in the eighth chancery division composed of Campbell, Roane, Blount, and Union counties be changed. The time for holding said court in Union County was set to the second Monday of May and November.
5. Public Acts of 1866-67, Chapter 8, attached Union County to the eighth chancery district.
6. Public Acts of 1866-67, Chapter 15, also transferred Union County to the eighth chancery district. No explanation for the two acts doing the same thing and being so close together can be offered.
7. Public of 1866-67, Chapter 40, provided that the chancery court at Maynardville in Union County be held on the first Monday in May and November of each year.
8. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into twelve chancery districts. The second chancery district was composed of Union, Knox, Sevier, Campbell, Anderson, Roane,

Monroe, Blount, Scott, Morgan, Fentress and Christiana counties.

9. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the time for holding chancery courts in the state. Union County would start its chancery court terms on the first Monday in May and November. This act was amended by Acts of 1872, Called Session, Chapter 15, Section 4, which changed the court terms of Union County to the third Monday in April and October.
10. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the courts of Tennessee into eleven chancery divisions. The second division consisted of Union, Knox, Campbell, Sevier, Anderson, Blount, Roane, Loudon, Morgan, and Scott counties. Union County chancery court terms began on the third Monday in April and October.
11. Public Acts of 1887, Chapter 92, set the time for holding the Union County Chancery Court to the second Monday in May and November.
12. Public Acts of 1899, Chapter 214, placed Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott counties in the twelfth chancery division. The time for holding said court in Union County was set for the fourth Monday in May and November.
13. Public Acts of 1899, Chapter 427, divided the state into ten chancery divisions. The second chancery division was composed of Union, Sevier, Blount, Loudon, Anderson, Campbell, Roane, Morgan, Scott, Fentress, and Jefferson counties. The time for holding said court in Union County was set on the third Monday in March and September. This act was amended by Private Acts of 1901, Chapter 438, which changed the second chancery division to include Union, Hawkins, Hamblen, Grainger, Claiborne, Hancock, Campbell, Anderson, Roane, Loudon, and Scott counties. The time for holding said court in Union County was set to the fourth Monday in May and November.
14. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized Tennessee's judicial structure into fourteen chancery divisions. Union County was placed in the thirteenth chancery division along with Cocke, Blount, Hamblen, Sevier, Greene, Jefferson, and Grainger counties. The time for holding said court in Union County was set for to third Monday in May and November.
15. Public Acts of 1935, Chapter 148, set the time for holding the Union County Chancery Court to the fourth Monday in February and August of each year. This act was repealed by Public Acts of 1941, Chapter 12.
16. Public Acts of 1963, Chapter 371, placed Union County in the fifteenth chancery division along with Greene, Hamblen and Grainger counties. The time for holding said court in Union County was set for the third Monday in May and November.

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

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

1. Acts of 1909, Chapter 226, could apply according to the population range quoted in the act, to Hancock, Grainger, Stewart, and Union counties or to all of them. The law sets the salary of the clerk and master at \$500.00 per year but he must file a sworn itemized statement by January 1, each year with the county judge, or chairman, showing the total amount of fees collected by his office from all sources. If the fees are less, the county will pay the clerk and master the difference out of the general funds but, if the fees are more than that sum, the clerk and master may retain them.
2. Private Acts of 1911, Chapter 197, provided and regulated the compensation of the Union County Chancery Court Clerk and Master. The salary of the chancery court clerk and master was set to \$500.00 per annum. This act was amended by Private Acts of 1929, Chapter 776, which raised the salary of the clerk and master of Union County from \$500.00 to \$900.00 annually.
3. Private Acts of 1933, Chapter 581, fixed the salary of the Union County Clerk and Master at \$900.00 per annum. This act was amended by Private Acts of 1945, Chapter 595, which increased the salary of the clerk and master to \$1,200.00 per annum.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Union 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 1853-54, Chapter 2, stated that the circuit court of Union County shall be held on the first Monday after the fourth Monday in January, May, and September at Liberty Meeting House as was provided in of Acts of 1849-50, Chapter 61.

2. Acts of 1855-56, Chapter 164, declared that all suits now pending in the fractions of the several counties from which Union County was formed and which involved citizens of what is now Union County shall be transferred to the Union County Circuit Court for both civil and criminal cases. The clerks of those other courts would have the duty to make transcripts of the records in those cases and forward them to the proper court in Union County.
3. Public Acts of 1857-58, Chapter 98, placed Union County in the second judicial circuit with Campbell, Claiborne, Grainger, Sevier, Cocke, and Jefferson counties. The time for holding said court in Union County was set on the second Monday in February, June, and October.
4. Private Acts of 1859-60, Chapter 125, changed the times for holding the circuit court of Union County to the first Monday after the fourth Monday of January, May, and September.
5. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized the judicial structure of Tennessee by dividing the state into judicial circuits. Union was retained in the second judicial circuit with Cocke, Jefferson, Grainger, Sevier, Scott, Campbell, Claiborne, and Hamblen counties.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 46, scheduled court terms for all the judicial circuits. The time for holding the Union County Circuit Court was set on the first Monday of February, June, and October.
7. Public Acts of 1873, Chapter 108, changed the time for holding the Union County Circuit Court to the first Monday in March, July, and November with proper provisions for process to be made returnable so as to conform thereby.
8. Public Acts of 1881, Chapter 18, set the time for holding the Union County Circuit Court on the fourth Monday of February, June, and October.
9. Acts of 1885 (Ex. Sess.), Chapter 20 divided the state into fourteen regular and one special judicial circuit. The second judicial circuit consisted of Union, Claiborne, Campbell, Grainger, Hamblen, Jefferson, Cocke, Anderson, and Sevier counties. Court terms for Union County would start on the fourth Monday in February, June, and October.
10. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits. The second judicial circuit consisted of Union, Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson and Fentress counties. The time for holding said court in Union County was set for the first Monday in April, August, and December. This act was amended by Acts of 1903, Chapter 227, so as to hold said court in Union County on the second Monday in April, August, and December.
11. Acts of 1905, Chapter 359, created a separate Criminal Court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union counties to be known as the criminal court of the second judicial circuit. Court times were scheduled for each county with the terms in Union County starting on the first Monday in March, July, and November. The attorney-general of the circuit would prosecute except in Pickett County where the attorney-general of the fifth circuit would attend to prosecution. The governor would appoint a judge to hold these courts until September, 1906 when they would be abolished and the criminal functions would be returned to the circuit court of each county.
12. Acts of 1905, Chapter 477, changed the time for holding Union County Circuit Court to the first Monday in March, July, and November.
13. Acts of 1907, Chapter 205, changed the time for holding the Union County Circuit Court to the fourth Monday in March, July, and November.
14. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Union County in the second judicial circuit along with Cocke, Sevier, Jefferson, Grainger and Hancock counties. The time for holding said court in Union County was set to the third Monday in May and November.
15. Public Acts of 1951, Chapter 17, set the time for holding the Union County Circuit Court to the third Monday in February, June and October.
16. Public Acts of 1955, Chapter 19, fixed the time for holding the Union County Circuit Court to the second Monday in February, June and October.
17. Public Acts of 1959, Chapter 99, set the time for holding the Union County Circuit Court to the first Monday in February, June and October.

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

The following acts have no current effect, but once applied to the Union 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, set the salary for circuit court clerks only throughout the state according to population. The Union County Circuit Court Clerk was paid \$500 per annum, provided the clerk would file with the county judge, or chairman, on January 1 of each year, a sworn itemized statement showing the amount of fees collected by his office from every source. If the fees did not equal the salary, the county would make up the difference but, if the fees exceeded that amount, the clerk could retain the excess.
2. Private Acts of 1929, Chapter 777 fixed the salary of the circuit court clerk of Union County at \$900 annually. This act was amended by Private Acts of 1931, Chapter 461 which required the circuit court clerk to file a statement of fees collected every quarter instead of just once a year.
3. Private Acts of 1933, Chapter 580, set the salary of the Union County Circuit Court Clerk at \$900 per annum.
4. Private Acts of 1947, Chapter 121 provided that the circuit court clerk of Union County be paid the sum of \$200 annually in addition to all the other fees of the county, same to be paid on a regular warrant drawn on the general funds.

### **Criminal Court**

The following act once pertained to the Union County Criminal Court, but is no longer current law.

1. Public Acts of 1899, Chapter 427, set the time for holding the Union County Criminal Court on the first Monday in April, August and December.

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

The following acts once affecting Union 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. Public Acts of 1931, Chapter 64, created the office of assistant attorney general for the second judicial circuit, which contained Union County, prescribed the qualifications and the duties of such office and fixed the salary of the assistant attorney general at \$2,400 per annum. This act was amended by Public Acts of 1949, Chapter 87, which increased the salary of the assistant attorney general to \$3,600 per annum.
2. Public Acts of 1939, Chapter 65, provided for a criminal investigator for the second judicial circuit, which contained Union County, provided for his qualifications, salary and tenure of office. This act was amended by Public Acts of 1947, Chapter 192, which increased the salary of the criminal investigator to \$3,000 per annum. This act was further amended by Public Acts of 1976, Chapter 611, which removed the qualification that the criminal investigator of the second judicial circuit must be a practicing attorney.
3. Public Acts of 1975, Chapter 253, created the office of two additional assistant district attorneys general for the second judicial circuit, of which Union County was a part.
4. Public Acts of 1978, Chapter 631, created an additional position of criminal investigator for the district attorney general for the second judicial circuit, which included Union County. The act provided for the appointment, duties, powers and compensation of said investigator.

### **Juvenile Court**

The following act once affected juvenile courts in Union County and is included herein for reference purposes.

1. Private Acts of 1921, Chapter 325, created and regulated the office of juvenile judge in Union County, fixed his salary, defined his duties and jurisdiction, provided for the appointment of said juvenile judge and prescribed the manner of the election of his successor. This act was repealed by Private Acts of 1992, Chapter 180.

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