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Chapter V - Court System

Dear Reader:

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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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Chapter V - Court System	3
Court System - Historical Notes	3

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Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following act once affected jurors or boards of jury commissioners in Hancock County, but are no longer operative.

1. Acts of 1905, Chapter 344, created a board of jury commissioners for Hancock County. It was composed of three discreet members, appointed for six year terms by the circuit and chancery court judges. Acts of 1909, Chapter 217, amended the above 1905 Act to provide that when the additional jurors were needed, the judge in the court needing them could direct the sheriff to summon citizens for jury duty.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Hancock County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1857-58, Chapter 27, established a chancery court in the town of Sneedville in Hancock County which was held on the first Mondays after the fourth Mondays in June and December.
2. Public Acts of 1857-58, Chapter 88, set the time for holding the Hancock County Chancery Court on the first Mondays after the fourth Mondays of June and December at Sneedville.
3. Public Acts of 1865-66, Chapter 41, set the time for holding the Hancock County Chancery Court on the last Mondays in March and September of each year. This act was amended by Public Acts of 1866-67, Chapter 25, which provided that the time for holding chancery court in Hancock County would not take effect until the next term of that court.
4. Public Acts of 1866-67, Chapter 15, changed the time of holding the Hancock County Chancery Court to the second Monday of March and the third Monday of August.
5. Public Acts of 1870, Chapter 32, divided the state into chancery divisions. The first chancery division was composed of Hancock, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Claiborne, Grainger, Jefferson, Cocke, Powell and Hamblen counties.
6. Public Acts of 1870, Chapter 47, fixed the time for holding the chancery courts throughout the state. The Hancock County Chancery Court was held the second Monday of March and the third Monday of August.
7. Acts of 1885, Extra Session, Chapter 20, divided the state into chancery divisions and prescribed the times for holding said courts. The Hancock County was placed in the first chancery division with its court set for the second Monday in March, and the third Monday in August.
8. Public Acts of 1891, Chapter 165, set the time for holding the Hancock County Chancery Court on the third Mondays in April and October.
9. Public Acts of 1893, Chapter 100, created the twelfth chancery division, out of Hancock, Sullivan, Hawkins, Hamblen and Grainger counties, and provided that court in Hancock County would meet on the fourth Mondays in April and October.
10. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and prescribed the times for holding said courts. Hancock County was placed in the first chancery division along with Johnson, Carter, Sullivan, Washington, Unicoi, Greene, Hawkins, Claiborne, Grainger, Hamblen and Cocke counties. The time for holding the Hancock County Chancery Court was set for the third Mondays in April and October.
11. Private Acts of 1901, Chapter 438, returned Hancock County to the second chancery division and provided that court would meet on the fourth Mondays in April and October.
12. Public Acts of 1931, Second Extra Session, Chapter 38, divided the state into chancery divisions and prescribed the times for holding said courts. Hancock County was placed in the second chancery division along with Loudon, Hawkins, Claiborne, Campbell, Anderson, Roane and Scott counties. The time for holding the Hancock County Chancery Court was set for the fourth Mondays in April and October.

Clerk and Master

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

1. Acts of 1909, Chapter 226, provided that the clerk and master of the Hancock County Chancery Court be paid an annual salary of \$500.00. This act required him to file an annual statement of the fees received by his office, and if the amount of those fees did not equal the salary to be paid him, the deficit would come from the county treasury.
2. Private Acts of 1911, Chapter 163, set the salary of the Hancock County Chancery Clerk and Master at \$500.00 per year and contained the same provisions as the 1909 Act regarding the filing of an annual statement, but also provided that the clerk and master could keep any additional fees his office received, above the amount of his salary. This was amended by Private Acts of 1929, Chapter 757, to raise that salary to \$750.00 per annum.

Circuit Court

The following acts were once applicable to the circuit court of Hancock 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 1847-48, Chapter 4, provided that after January 1, 1848 the circuit court of Hancock County would meet on the first Mondays after the fourth Mondays in January, May and September.
2. Acts of 1855-56, Chapter 37, placed Hancock County in the first judicial circuit and set the time for holding said court on the fourth Mondays in January, May and September.
3. Public Acts of 1857-58, Chapter 98, set the time for holding the Hancock County Circuit Court on the fourth Mondays of January, May and September.
4. Public Acts of 1866-67, Chapter 33, changed the time for holding the Hancock County Circuit Court to the third Mondays in January, May and September.
5. Public Acts of 1870, Chapter 31, divided the state into judicial circuits. The first judicial circuit was composed of the counties of Hancock, Hawkins, Greene, Carter, Johnson, Sullivan, Washington and Boone counties.
6. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts throughout the state. The Hancock County Circuit Court was set for the third Mondays of January, May and September.
7. Acts of 1885, Extra Session, Chapter 20, divided the state into judicial circuits and provided the times for holding said courts. Hancock County was placed in the first judicial circuit with its court set for the third Mondays in January, May and September.
8. Public Acts of 1889, Chapter 74, changed the time for holding the Hancock County Circuit Court to the second Mondays in January, May and September.
9. Public Acts of 1891, Chapter 249, again changed the time for holding the Hancock County Circuit Court to the first Mondays in January, May and September.
10. Public Acts of 1895, Chapter 64, set the time for holding the Hancock County Circuit Court on the third Mondays in January, May and September.
11. Public Acts of 1899, Chapter 427, divided the state into judicial circuits and prescribed the times for holding said courts. Hancock County was placed in the first judicial circuit and set the time for holding said court on the third Mondays in March, July and November. This was amended by Public Acts of 1913, Chapter 13, which created a criminal and law court for the counties of Hancock, Claiborne, Campbell, Morgan, Scott and Anderson, which was the criminal and law court for the second judicial circuit. This 1913 Act was amended by Private Acts of 1917, Chapter 768, which changed the name of the court to the nineteenth judicial circuit.
12. Acts of 1903, Chapter 198, set the time for holding the circuit court in Hancock County on the third Mondays in March, July and November.
13. Private Acts of 1921, Chapter 202, detached Hancock County from the nineteenth judicial circuit and placed it in the second judicial circuit. This law contained a general repealer clause, repealing all laws in conflict with its provisions.
14. Public Acts of 1931, Second Extra Session, Chapter 38, divided the state into judicial circuits and prescribed the times for holding said courts. Hancock County was placed in the second judicial circuit along with Cocke, Union, Sevier, Jefferson and Grainger counties. The time for holding the Hancock County Circuit Court was set for the second Mondays in April, August and December.
15. Public Acts of 1951, Chapter 17, set the time for holding the circuit court of Hancock County to

the second Mondays in April, August and December.

16. Public Acts of 1955, Chapter 19, set the time for holding the circuit court of Hancock County to the second Mondays in April, August and December.

Circuit Court Clerk

The following acts have no current effect, but once applied to the Hancock 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 1931, Chapter 688, set the annual salary of the Hancock County Circuit Court Clerk at \$750.00.
2. Private Acts of 1939, Chapter 481, set the annual salary of the Hancock County Circuit Court Clerk at \$750.00 and also provided that he could retain \$250.00 per year of the fees collected by his office.

Criminal Court

The following acts once pertained to the Hancock 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 49, created a criminal court for Hancock, Johnson, Carter, Sullivan, Washington, Greene and Hawkins counties. This was repealed by Public Acts of 1869-70, Chapter 11.
2. Public Acts of 1867-68, Chapter 90, Section 5, created a new judicial criminal district which was composed of the counties of Hancock, Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Coker, Jefferson, Grainger and Claiborne. The time for holding the Hancock County Criminal Court was set for the third Mondays of April, August and December. This act was repealed by Public Acts of 1869-70, Chapter 11.
3. Acts of 1885, Extra Session, Chapter 20, set the time for holding the criminal courts throughout the state. The time for holding the Hancock County Criminal Court was set for the third Mondays in January, May and September.
4. Public Acts of 1899, Chapter 427, set the time for holding the criminal courts throughout the state. The time for holding the Hancock County Criminal Court was set for the third Mondays in March, July and November.

District Attorney General Assistants and Criminal Investigators

The following acts once affecting Hancock 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 of Tennessee, which contained Hancock County, prescribed the qualifications and the duties of such office and fixed his compensation, provided for the payment thereof, and the manner in which said assistant attorney-general was named. 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 1937, Chapter 74, provided for a criminal investigator for the nineteenth judicial circuit, which contained Hancock County, prescribed his qualifications, salary and tenure of office. This act was amended by Public Acts of 1949, Chapter 30, which increased the salary of the criminal investigator to \$3,600 per annum. This act was further amended by Public Acts of 1953, Chapter 262, which set the salary at \$4,000 per annum.
3. Public Acts of 1939, Chapter 65, which is not included in this volume, created the post of criminal investigator for the second judicial circuit to be filled in accordance with the terms and conditions specified therein. This act was amended by Public Acts of 1947, Chapter 192, which increased the salary of the criminal investigator to \$3,000 per annum. Public Acts of 1976, Chapter 611, further amended Public Acts of 1939, Chapter 65, so as to remove the qualification that the criminal investigator must be a "practicing attorney."
4. Public Acts of 1975, Chapter 253, provided an additional assistant district attorneys general for the second judicial circuit, which included Hancock County.
5. Public Acts of 1977, Chapter 377, created an office of full time assistant district attorney general for the second judicial circuit, which included Hancock County.
6. 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 Hancock County, provided for the appointment, duties, powers and compensation of said investigator.

Secretarial Assistance

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

1. Public Acts of 1951, Chapter 86, authorized a secretary for the chancellor of the second chancery division, which included Hancock County, provided for the appointment thereof, fixed the compensation, duties and mode of payment. This act was amended by Public Acts of 1963, Chapter 332, which increased the salary of the secretary to \$3,000 per annum.

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