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# Chapter V - Court System

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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.

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## Chapter V - Court System

### Circuit Court

#### Circuit Court Clerk

### Private Acts of 1971 Chapter 68

**SECTION 1.** The Circuit Court Clerk in counties having a population of not less than 28,200 nor more than 28,300, according to the United States Census of Population of 1970 or any subsequent United States Census of Population, may employ the necessary clerical help for his office. Any person so employed shall be paid an annual salary of not less than four thousand eight hundred dollars (\$4,800) nor more than six thousand dollars (\$6,000), the amount to be fixed by the Quarterly County Court of the county. The salary thus fixed shall be paid in equal monthly installments on the first day of each month out of the general fund of the county, by warrant of the County Judge or Chairman of the Quarterly County Court or the Trustee.

**SECTION 2.** Chapter 566 of the Private Acts of 1953 is repealed.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply before December 1, 1971. Its approval or non-approval shall be proclaimed by the presiding officer of such Quarterly Court and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or disapproving this Act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 3.

Passed: April 14, 1971.

### Public Acts of 1963 Chapter 344

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** That regular terms of the Circuit Court of Sevier County, with general jurisdiction to try and dispose of civil and criminal cases, shall continue to convene and be held on the Third 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 Third 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 Third 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 of 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: March 21, 1963.

## Public Acts of 1975 Chapter 304

**COMPILER'S NOTE:** Only a portion of this act appears in the Tennessee Code Annotated. Therefore, the entire act is published herein.

**SECTION 1.** [Repealed by Public Acts of 1984, Chapter 931, Section 15.] **SECTION 2.** The Second Judicial Circuit shall be served by two (2) Circuit Judges. The Judges shall serve respectively as Judges of Division I and Division II of the Circuit Court. The presiding judge shall be responsible for the assignment of duties of judges within the circuit, for designation of special terms, for establishing rules of Court, for docketing and assignment of cases, both civil and criminal. Among the special responsibilities of the presiding Judge of the Second Judicial Circuit is the appointment, supervision and replacement of all appointed or designated officers of the Court, Grand Jury foremen, jury commissioners and other officers provided by law. The presiding judge shall be the chief administrative officer of the Court.

**SECTION 3.** The presently elected and serving Circuit Judge is hereby designated as Judge of Division I of the Second Judicial Circuit with the prerogatives, powers and duties vested in that Division.

**SECTION 4.** The Governor of the State of Tennessee shall within thirty (30) days after this Act shall take effect, appoint a Judge of Division II of the Second Judicial Circuit who shall hold office until his or her successor is elected and qualified in accordance with general law. Thereafter, Judges of the Second Judicial Circuit shall qualify as candidates for Division I or Division II of the Circuit and shall be elected by the qualified voters as Judge of the respective Division for which they qualified.

**SECTION 5.** The judges of Division I and Division II of the Second Judicial Circuit shall possess all of the rights, privileges, qualifications, emoluments, immunities, powers and jurisdiction conferred by general law on Circuit Judges of the State of Tennessee.

**SECTION 6.** Division I and Division II of the Second Judicial Circuit shall have the power to hold Court in the Counties of the Circuit irrespective of term, and may hold Court simultaneously in the same or different Counties.

**SECTION 7.** The clerks of the Circuit Court of the Second Judicial Circuit shall act as clerks for both Division I and Division II of the Circuit and shall keep such dockets, records and minutes thereof as are now or may hereafter be provided by law or Court rule for the compensation provided by law.

**SECTION 8.** All laws or parts of laws in conflict with this Act are hereby repealed.

**SECTION 9.** This Act is declared to be severable. Should any section, provision, clause or part of this Act fail for any reason, it is the legislative intent that the remainder of the Act shall continue in full force and effect.

**SECTION 10.** This Act shall take effect upon becoming law, the public welfare requiring it.

Passed: May 15, 1975.

## District Attorney General

### Assistants and Criminal Investigators

## Public Acts of 1975 Chapter 253

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** There is created the office of one (1) additional Assistant District Attorneys General for the Second Judicial Circuit. The District Attorney General of the Second Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The said additional Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the Second Judicial Circuit.

**SECTION 3.** The said Assistant District Attorney General for the Second Judicial Circuit shall each receive an annual salary in equal monthly installments out of the treasury of the state, as provided in Section 8-708, Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 15, 1975.

## Public Acts of 1977 Chapter 377

**SECTION 1.** There is hereby created an office of full-time Assistant District Attorney General for the Second Judicial Circuit. The District Attorney General of the Second Judicial Circuit shall appoint a suitable person to such office, said person to serve at the pleasure of the District Attorney General.

**SECTION 2.** The person so appointed to serve as Assistant District Attorney General shall be admitted to the practice of law in the State of Tennessee, and shall, upon his or her appointment execute the Affidavit of Intent required of full-time Assistant District Attorneys General by the provisions of Tennessee Code Annotated, Section 8-708.

**SECTION 3.** The person appointed to serve as Assistant District Attorney General under the provisions of this act shall perform such duties as may be required by the District Attorney General in the carrying out of the duties of the office of District Attorney General.

**SECTION 4.** The person appointed to serve as Assistant District Attorney General under the provisions of this act shall be compensated as a full-time Assistant District Attorney General as provided for by general law.

**SECTION 5.** This act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 16, 1977.

## Public Acts of 1978 Chapter 631

**SECTION 1.** There is hereby created an additional position of Criminal Investigator for the District Attorney General for the Second Judicial Circuit. The District Attorney General for the Second Judicial Circuit shall appoint a suitable person to such position, to serve at his pleasure.

**SECTION 2.** The person so appointed shall perform such duties as the said District Attorney General may direct, and shall be compensated as provided for by general law.

**SECTION 3.** The said Criminal Investigator shall have the same powers and authority as a deputy of the county sheriff.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 9, 1978.

## General Sessions Court

### Private Acts of 1998 Chapter 104

**SECTION 1.** Effective September 1, 1998, Chapter 34 of the Private Acts of 1973, as amended by Chapter 105 of the Private Acts of 1975, Chapter 222 of the Private Acts of 1976 and Chapter 65 of the Private Acts of 1979 is repealed.

**SECTION 2.** In the regular August election in 1998, the qualified voters of Sevier County shall elect two (2) general sessions court judges to serve as the judges of Part I and Part II of the General Sessions Court of Sevier County. Except as provided herein with respect to jurisdiction, the General Sessions Court of Sevier County shall be governed by Tennessee Code Annotated, Title 16, Chapter 15.

**SECTION 3.** In addition to the jurisdiction established by general law over civil and criminal matters, the General Sessions Court of Sevier County shall have jurisdiction over probate and juvenile matters.

**SECTION 4.**

(a) At the regular August election in 2002 and every four (4) years thereafter, the qualified voters of Sevier County shall elect a General Sessions Court Clerk. The General Sessions Court Clerk shall take office on September 1 immediately following the election and shall serve a term of four (4) years and until a successor is elected and qualified. Before entering into the duties of the office, the General Sessions Court Clerk shall take an oath of office and post an official bond in the same manner as provided by general law for the clerk of the circuit court. The General Sessions Court Clerk shall perform all clerking duties relative to the General Sessions Court of Sevier County, including all matters within the jurisdiction of said court, except duties relative to the probate of wills and administration of decedent's estates. The compensation of the General Sessions Court

Clerk shall be determined according to general law.

(b) Clerking duties relative to the jurisdiction of the General Sessions Court of Sevier County over the probate of wills and administration of decedent's estates shall continue to be performed by the County Clerk of Sevier County.

(c) All records of the General Sessions Court of Sevier County, other than records pertaining to the probate of wills and administration of decedent's estates, shall be transferred to the custody of the General Sessions Court Clerk as soon as is practical after the approval of this act.

As amended by: Private Acts of 2002, Chapter 71

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 6.** 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 the purpose of authorizing candidates to qualify and run for election for the two parts of the General Sessions Court of Sevier County in the 1998 regular August election, this act shall take effect upon approval as provided in Section 4. For all other purposes, this act shall take effect September 1, 1998.

Passed: February 5, 1998.

## Public Defender

### Private Acts of 1979 Chapter 158

**SECTION 1.** Any county of this state having a population of not less than twentyeight thousand one hundred (28,100) nor more than twenty-eight thousand five hundred (28,500) according to the 1970 United States Census or any subsequent Federal Census may create the office of public defender upon the adoption of a resolution establishing such under the provisions of this Act.

**SECTION 2.** The legislative body of such county shall create a public defender committee composed of the county executive, four (4) members of the county legislative body, and two (2) attorneys who are members of the local county bar association, nominated by the local county bar association and certified by the president or secretary of the local county bar association to the county clerk.

**SECTION 3.** The public defender committee of the county legislative body shall nominate and recommend a person qualified and licensed to practice law in the state of Tennessee, and such nomination of the committee shall be approved by a majority of such county legislative body at the next regular or called meeting, and after approval, the county legislative body shall appoint such person to be the public defender. If such person is not approved by the county legislative body, the public defender committee shall nominate and recommend other persons for the office of public defender. The term of office for the public defender shall be four (4) years from the date of appointment by the county legislative body. Any and all successors shall be selected in the manner provided in this section for terms of four (4) years.

**SECTION 4.** The duties of the public defender will be to defend, without expense, and to represent generally, all persons who are without means to employ counsel and are charged with a crime at any level, except those persons charged with violations of city ordinances in municipal courts, and in particular, to perform the duties required of counsel for indigents set forth in Tennessee Code Annotated, Title 40, Chapter 20, or subsequent state law.

**SECTION 5.** The public defender committee shall propose and submit to the county legislative body a budget for the operation expense of the public defender's office. The budget shall provide for a salary for the public defender to be paid in the same manner as other county officials and for a stenographer, office rent, telephone and travel expense, office supplies and other expense items, which the committee shall determine to be proper for the conduct of such office. The county legislative body shall approve, reject or modify the budget submitted and shall appropriate funds for the operation of the public defender's office by majority vote of the county legislative body. The county legislative body may accept and appropriate such funds, grants or donations as may be received for the establishment, operation and maintenance of such office from any other public or private agency or commission, including but not limited to the state of Tennessee, the United States Government and any division or agency thereof.

**SECTION 6.** The public defender shall take and file the constitutional oath of office with the clerk of the circuit or criminal court of such county which is served by the public defender.

**SECTION 7.** The public defender may appoint assistant public defenders or a deputy public defender, who shall be person(s) licensed to practice law in the state of Tennessee. Every such appointment shall be in

writing, signed by the public defender and filed in the office of the circuit or criminal court of the county and the person so appointed shall take and file with such clerk, the constitutional oath of office before entering upon his duties. The public defender may also appoint an acting public defender to serve in the absence from the county or other disability of the public defender. Every such appointment may be revoked at the pleasure of the public defender by written notice filed with the clerk of the circuit or criminal court.

**SECTION 8.** The public defender shall not engage in the private practice of criminal law but may conclude all criminal matters pending when appointed. The public defender may engage in the private practice of civil law provided that it does not substantially interfere with his duties as public defender.

**SECTION 9.** The public defender shall not be removed during his term of office except for cause and his salary during his term shall not be reduced. The public defender may be removed for cause only after charges specified, notice given, and a hearing before a panel of judges made up of all judges of courts or records which have jurisdiction within the county that the public defender serves, including, but not limited to, circuit, criminal, and chancery judges. Their decision shall be administrative and sufficient to either set the charges aside, or by a two-thirds (2/3) vote, to remove a public defender from office.

**SECTION 10.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of such counties affected. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 11.** For the purpose of approving or rejecting the provisions of this Act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon being approved as provided in Section 10 of this Act.

Passed: May 15, 1979.

## Court System - Historical Notes

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

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

1. Private Acts of 1943, Chapter 371, created a Board of Jury Commissioners for Sevier County. The Board would consist of three members appointed by the Circuit Judge who were freeholders and nonlitigants. Vacancies on the Board would be filled the same way. Two members could transact the business of the Board for whom the Circuit Court Clerk would act as a Clerk. The Clerk and the Board members must take an oath of secrecy. The Board would select from public sources at least 800 names once a year which would be written upon slips of paper and deposited in a jury box. At least twenty days before the term of court began, the Board would meet and forty names would be drawn from the box by a child under ten years of age. The Clerk records the names which have been drawn and the Commissioners seal up the slips of paper and present them to the Judge certifying them as the jurors for that term of court. At least ten days before court convenes, the names are given to the Sheriff who shall summon them to duty. The Grand Jury members will be drawn from these forty names in open court in the presence of the Judge, but the Judge shall name the Foreman thereof. Special veniremen and juries are provided for. Jurors will be paid \$4.00 per day not to exceed \$20.00 per year. No one may be excused from duty except by the Judge. This act was repealed by Private Acts of 1945, Chapter 111.
2. Private Acts of 1945, Chapter 111, expressly repealed Chapter 371, Private Acts of 1943, above, which created a Board of Jury Commissioners for Sevier County, in its entirety.
3. Private Acts of 1949, Chapter 319, stated that in Sevier County, using the 1940 Federal Census figures, every regular and every special petit juror in all the courts of the said county, and every Grand Juror shall receive \$4.00 per day for each day's attendance in such Court as on such Grand Jury. The Foreman of the Grand Jury would get \$6.00 per day.
4. Private Acts of 1961, Chapter 267, provided that all persons serving as jurors in Sevier County shall receive as compensation a sum to be determined by the County Court but not to exceed \$8.00 per day, except that the Foreman of the Grand Jury shall receive a sum not to exceed \$10.00 per day.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Sevier 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. For the first few years after Sevier County was created, the Chancery Court for the county was probably held at Greenville. The Supreme Court Justices held the Chancery Court, and the entire state made up one Chancery district.
2. Public Acts of 1824 (Ex. Sess.), Chapter 14, provided that the Judges of the Supreme Court should arrange to hold Chancery Court twice a year in all the counties of the State. Chancery Court would be held at Greenville for Carter, Washington, Cocke, Green, Jefferson and Sevier Counties on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, divided the State into two Chancery Districts. The Eastern District was composed of those courts held at Rogersville, Greenville, Kingston, Carthage and McMinnville.
4. Public Acts of 1827, Chapter 88, was almost a repetition of Public Acts of 1824 (Ex. Sess.), Chapter 14, above. The Court at Greenville for Greene, Cocke, Washington, Jefferson, Carter and Sevier Counties would be held on the third Monday in May and November and for two weeks, or longer if the business of the court demanded it.
5. Public Acts of 1829, Chapter 27, changed the Court dates for the Chancery Court at Greenville to the second Monday in May and November.
6. Public Acts of 1832 (Ex. Sess.), Chapter 19, changed the Court terms for some of the Courts in the Eastern Chancery Division, but the Court at Knoxville would continue to meet on the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions and provided for the appointment of a Chancellor for each Division by the Legislature. The 5th District of the Eastern Division was composed of Jefferson, Cocke and Sevier Counties. The Court for this District would meet at Dandridge on the first Monday in April and October.
8. Acts of 1837-38, Chapter 116, rescheduled the terms of the Chancery Courts in the Eastern Division assigning the Court at Dandridge to the third Monday in June and December.
9. Acts of 1839-40, Chapter 21, changed the times for holding the Chancery Courts of the Eastern Division, 5th District, to the second Monday in June and December at Dandridge in Jefferson County. Section 12 of this same Act states that Sevier County shall compose one Chancery District, and the court will be held at the courthouse in Sevierville on the second Monday in April and October of each year. This also repeals all other laws in Section 14 which made Sevier County a part of any other Chancery District.
10. Acts of 1843-44, Chapter 201, declared that the citizens of Cocke County may file their Bills in Chancery at both Dandridge and Sevierville at their option and convenience.
11. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, 4th, 5th and 6th Chancery Divisions. Sevier County was in the Eastern Division with Court terms to begin in Sevierville on the second Monday in April and October.
12. Public Acts of 1859-60, Chapter 59, changed the court terms for the Chancery Court in Sevier County at Sevierville to the third Monday in March and July of each year with the requirement that process be made to conform to those dates.
13. Acts of 1865, Chapter 7, was a post Civil War Statute which created the 8th Chancery Division composed of Sevier, Blount, Monroe, Roane, Knox, Anderson and McMinn Counties. A Chancellor would be appointed who would enjoy all the powers of other Chancellors and draw the same salary.
14. Acts of 1865, Chapter 14, established Court terms for the counties in the 8th Chancery Division, listed above, and assigned Sevier County's Chancery Court to the second Monday in April and October. The Chancellor of this Division may interchange with the Chancellors of the others.
15. Acts of 1869-70, Chapter 32, reorganized the lower system of equity courts of the State into twelve Chancery Divisions. The Second Chancery Division consisted of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress and Christiana, if established.
16. Acts of 1869-70, Chapter 47, scheduled the Court terms for the Chancery Courts of all the Counties. Sevier County would begin the terms of the Chancery Court on the second Monday in April and October.
17. Acts of 1872 (Ex. Sess.), Chapter 15, changed Court terms for some of the counties in the Second Chancery Division, but left Sevier County's terms on the second Monday in April and October.
18. Acts of 1883, Chapter 85, changed the starting days for the Sevier County Chancery Court to the fourth Monday in April and October instead of the second Monday. Conflicting acts were repealed



and process would be adjusted to conform to the changed dates.

19. Acts of 1885 (Ex. Sess.) Chapter 20, divided the State into eleven Chancery Divisions. The Second Division was made up of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan and Scott Counties. Court terms in Sevier would begin on the fourth Monday in April and October. This Act was the basis for litigation in the case of Flynn v. State, 203 Tenn. 337, 313 S.W.2d 248 (Tenn. 1958), but only the criminal court in Memphis was involved.
20. Acts of 1887, Chapter 92, changed court terms for several of the counties in the Second Chancery Division, but left Sevier County on the fourth Monday in April and October.
21. Public Acts of 1899, Chapter 212, abolished the Second Chancery Division of the State of Tennessee.
22. Public Acts of 1899, Chapter 214, added Sevier, Blount and Loudon Counties to the First Chancery Division and the remainder of those counties in the abolished Second Chancery Division were assigned to the 12th Chancery Division. Sevier County would continue to start the terms of Chancery Court on the fourth Monday in April and October.
23. Public Acts of 1899, Chapter 427, reorganized the lower judicial system into ten Chancery Divisions. The Second Division was composed of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress and Jefferson. Court terms would begin in Sevier County on the first Monday in January and July.
24. Acts of 1901, Chapter 438, amended the 1899 Act which reorganized the lower courts by placing Sullivan, Johnson, Carter, Washington, Unicoi, Greene, Cocke, Jefferson, Sevier and Blount Counties in the First Chancery Division with Court terms commencing in Sevier County on the fourth Monday in April and October.
25. Acts of 1907, Chapter 382, changed the time for starting the terms of the Chancery Court in Sevier County to the second Monday in April and October instead of the fourth.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, also reorganized the lower Judicial structure of the State into fourteen Chancery Divisions. This Act placed Sevier County in the 13th Chancery Division where it still remains. The original counties in that Division were Cocke, Blount, Hamblen, Greene, Jefferson, Union, Grainger and Sevier. The terms of Court for Sevier County would begin on the third Monday in April and October. Court changes would occur only through public acts from this date.
27. Public Acts of 1955, Chapter 255, amended the time of holding the Chancery Court in Sevier County in the Thirteenth Chancery Division. The time for starting the terms of court for Sevier County were set for the first Mondays in June and December. The provisions of this act were superseded by Public Acts of 1984, Chapter 931.

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

The reference below contains an act which once applied to the clerk and master in Sevier County.

1. Private Acts of 1917, Chapter 156, provided that women over the age of 21 and residents of the county which appoints them shall be eligible to serve as a Deputy Clerk and Master with all the rights, privileges, duties and obligations as other Deputies.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Sevier 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 1794, Chapter 12, provided that Sevier County, newly created, would become a part of the Hamilton District for all purposes both civil, for courts, and military, and be just as much a part as it was before being taken from the counties of Jefferson and Knox.
2. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits of which the Second Judicial Circuit consisted of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledsoe counties. Circuit Courts would be held twice annually, and in Sevier County this would occur on the fourth Monday in January and July. The Judge of the Circuit would appoint a Clerk for each of the courts over which he was to preside.
3. Private Acts of 1833, Chapter 201, made it the duty of the Judge and the Attorney- General of the Second Judicial Circuit to examine, certify and allow under the existing law of the State, the bill of costs the State is liable to pay in the case of State v. Thomas D. Allen, which was decided in Sevier County during the year of 1828.
4. Public Acts of 1835-36, Chapter 5, divided Tennessee into eleven Judicial Circuits with provisions

- for holding Court three times a year. The Second Judicial Circuit consisted of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson and Morgan Counties. Circuit Court terms in Sevier County would commence on the fourth Monday in January, May and September. Chancellors and Circuit Judges were to be paid a salary of \$1,500 per year.
5. Acts of 1837-38, Chapter 3, organized the State's lower civil judicial structure into fourteen Judicial Circuits. The 12th Judicial Circuit consisted of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell counties. Court terms in Sevier would begin on the fourth Monday in April, August and December.
  6. Acts of 1837-38, Chapter 116, changed the time for holding the Circuit Court in Sevier County to the second Monday in April, August and December. The terms for the other counties in the Circuit were also changed.
  7. Acts of 1839-40, Chapter 5, provided that the terms of the Circuit Court in Sevier County would begin on the first Monday in April, August and December and continue for two weeks, or longer, at each term, or until the business of the court was completed.
  8. Acts of 1851-52, Chapter 352, stated that the Circuit Court for Sevier County would begin on the third Monday of March, July and November, and if necessary, would continue for two weeks.
  9. Public Acts of 1857-58, Chapter 98, reorganized the Circuit Courts of the State into sixteen Judicial Circuits. The Second was made up of Campbell, Claiborne, Union, Grainger, Cocke, Jefferson and Sevier Counties whose Court sessions would start on the third Monday in March, July and November.
  10. Private Acts of 1857-58, Chapter 112, stated in the preamble that a fire had destroyed the courthouse in Sevierville in March, 1856, which destroyed many valuable papers and the Reports of the State. The Clerk of the Circuit Court has since bought another set of Reports and is willing to sell them to the county at his cost. This Act authorizes the Comptroller of the Treasury to issue a draft for \$150 to M. W. McCown to pay for the set of Reports which would become the property of the Circuit Court Clerk's office in Sevier County.
  11. Acts of 1869-70, Chapter 31, divided Tennessee into 15 Judicial Circuits. The Second Circuit was composed of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
  12. Acts of 1869-70, Chapter 46, scheduled the terms of the Circuit Court for all the counties in the State. Sevier County, in the Second Judicial Circuit, would start on the third Monday of March, July and November.
  13. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen regular judicial circuits and one special judicial circuit in the State. The Second Judicial Circuit contained the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier, whose terms of court would commence on the third Monday in March, July and November. This act was the subject of litigation in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (Tenn. 1958), but only involved the court at Memphis.
  14. Public and Private Acts of 1897, Chapter 223, removed Sevier County from the Second Judicial Circuit for criminal court purposes and included it in the criminal District for Knox County. The act made it the duty of the Judge of the Criminal Court of Knox County to hold the court and the District Attorney of the same District shall attend Court and prosecute cases.
  15. Public Acts of 1899, Chapter 427, reorganized the entire number of Circuit Courts into fourteen Judicial Circuits. The Second Circuit was made up of the counties of Jefferson, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union, Fentress and Sevier whose court terms, would begin on the third Monday in January, May and September.
  16. Acts of 1899, Chapter 409, predates Acts of 1899, Chapter 427, above, and conferred the Circuit Court jurisdiction of Sevier County upon the Law Court of Knox County along with all of the Knox County criminal jurisdiction. Sevier County would hold court on the first Monday in January, May and September.
  17. Acts of 1903, Chapter 227, changed the court terms for all the counties in the 2nd Judicial Circuit switching Sevier County to the first Monday in March, July and November.
  18. Private Acts of 1905, Chapter 101, amended Acts of 1903, Chapter 227, above, by changing the beginning dates for several terms of the Circuit Court in the Second Judicial Circuit. Sevier County went from the first to the third Monday in March, July and November.
  19. Private Acts of 1905, Chapter 477, again changed the beginning dates for the Circuit Court terms for counties in the Second Judicial Circuit, assigning Sevier County to the fourth Monday in

February, June and October.

20. Acts of 1907, Chapter 205, changed the schedule of the Circuit Court terms in Sevier County to the first Monday instead of the fourth Monday in February, June and October.
21. Private Acts of 1923, Chapter 15, changed the beginning dates for the terms of the Circuit Court in Hamblen and Sevier Counties to the first Monday in March, July and November. All bonds and process would be adjusted to fit those dates.
22. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, corrected some errors which were made when the General Assembly amended the 1932 Code, which was enacted in 1931, with reference to the Second Judicial Circuit. The correct counties were Cocke, Union, Sevier, Jefferson, Grainger and Hancock with Sevier starting its terms on the first Monday in March, July and November.
23. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower judicial structure of the State into twenty Judicial Circuits. The Second Circuit consisted of Cocke, Union, Jefferson, Grainger, Hancock and Sevier counties. Court days in Sevier remained on the first Monday in March, July and November.
24. Public Acts of 1955, Chapter 19, fixed the time of holding the Circuit Court of the Second Judicial Circuit of Tennessee. Court days for Sevier County were set for the fourth Monday in February, June and October. The act repealed all laws in conflict with it with one exception regarding certain provisions for Cocke County. This act was repealed by Public Acts of 1955, Chapter 19, below.
25. Public Acts of 1959, Chapter 99, fixed the time of holding the Circuit Court of the Second Judicial Circuit of Tennessee. Court days for Sevier County were set for the third Monday in February, June and October. The act repealed all laws in conflict with it with one exception regarding certain provisions for Cocke County. The provisions of this act were superseded by Public Acts of 1984, Chapter 931.

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

The following acts have no current effect, but once applied to the Sevier 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, was a salary act concerning only Circuit Court Clerks but statewide in its application. The salary was based upon the population of the county according to the 1900 Federal Census. According to our calculations, the Circuit Court Clerk of Sevier County would have received \$1,000 per year under the terms of this law.
2. Private Acts of 1923, Chapter 226, sets the salary of the Circuit Court Clerk of Sevier County at no less than \$1,200 per year, and, if the fees of the office do not equal that amount, the County Judge shall issue a warrant to pay the difference. The clerk must file, by the first Monday in September, a sworn, itemized statement with the County Judge or Chairman, showing the amount of fees collected by his office and the difference between the fees and the \$1,200 will be paid, but, if the fees exceed that amount the excess will go into the County treasury. This act was repealed by the Private Acts of 1927, Chapter 612, below.
3. Private Acts of 1927, Chapter 612, provided that the Circuit Court Clerk of Sevier County shall be paid \$900 a year in monthly installments on the first day of the month out of the general funds of the county upon the warrant of the County Judge or Chairman. In addition the clerk will be entitled to retain all the fees collected by his office. This Act specifically repeals Private Acts of 1923, Chapter 226.
4. Private Acts of 1953, Chapter 566, amended Private Acts of 1927, Chapter 612, so as to provide that the Circuit Court Clerk may employ clerical help at a salary of \$900 per year, payable monthly, on the warrant of the County Judge or Chairman out of the general funds of the County. This act was repealed by Private Acts of 1971, Chapter 68, published herein.
5. Private Acts of 1959, Chapter 289, would have amended Private Acts of 1947, Chapter 424, by increasing the amount of the extra salary paid to the Circuit Court Clerk from \$1,500 to \$2,400 but this Act was never presented to the County Court for ratification and therefore never became a law, having failed to meet the requirements of the Home Rule Amendment to the State Constitution.

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

The following acts once affecting Sevier 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. Acts of 1796 (1st Session), Chapter 8, appointed three attorneys [sic] general for the state: one for the district of Washington, one for the district of Hamilton (of which Sevier County was a part), and one for the district of Mero, whose duty it was to prosecute, on behalf of the state, all matters cognizable in the superior courts of law.
2. Public Acts of 1939, Chapter 65, created the position of Criminal Investigator for the Second Judicial Circuit which act was amended by Public Acts of 1976, Chapter 611, so as to remove the qualification from the act that the Criminal Investigator be a practicing attorney.

### **Juvenile Court**

**COMPILER'S NOTE:** Private Acts of 1998, Chapter 104, which established a General Sessions Court for Sevier County, also granted jurisdiction over juvenile matters to that court. This private act is reproduced in the section of this compilation pertaining to General Sessions Court.

### **Trial Justice Court**

The following acts pertained to the Trial Justice Court in Sevier County but are not effective today.

1. Private Acts of 1973, Chapter 34, created and established the Trial Justice Court of Sevier County. The court was vested with the civil and criminal jurisdiction of the General Sessions Court and was in many ways similar to that court except that it was a court of record. This act, as amended, was repealed by Private Acts of 1998, Chapter 104.
2. Private Acts of 1975, Chapter 105, extensively amended Private Acts of 1973, Chapter 34, relative to the places where court may be held, the jurisdiction of the court, the security required of plaintiffs, the procedures to be followed in the court, the return of process and the setting of cases, appeals from the court, the availability of records of the court, costs and fees, the age requirements for the judge of the court, and the interchange of the judge of the court with other judges. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
3. Private Acts of 1976, Chapter 222, would have amended Private Acts of 1973, Chapter 73, in Section 2 by giving the Trial Justice Court and the County Judge concurrent jurisdiction in probate matters. The Chapter citation in this Act is in error as it should have referenced Private Acts of 1973, Chapter 34. Since this Act was rejected by the Quarterly Court of Sevier County and therefore never took effect, the error in citation was of no consequence. Although it never took effect, it was nevertheless expressly listed as an amendatory act to Private Acts of 1973, Chapter 34, by the act which repealed it, Private Acts of 1998, Chapter 104.
4. Private Acts of 1979, Chapter 65, amended Private Acts of 1973, Chapter 34, and was approved by the Sevier County Legislative Body on June 25, 1979, except for Section 10, subsection 28, which was vetoed by the County Executive. See also the case of *Water v. State, ex rel. Schmutzer and Ogle*, 583 S.W.2d 756 (Tenn. 1979). This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
5. Private Acts of 1980, Chapter 211, amended Private Acts of 1973, Chapter 34, relative to the compensation, benefits and expenses of the Juvenile Judge of Sevier County. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
6. Private Acts of 1983, Chapter 121, amended Private Acts of 1973, Chapter 34, relative to the compensation of the judge of the Trial Justice Court of Sevier County. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.

### **Court System**

1. Acts of 1794, Chapter 12, stated that Sevier County shall compose a part of the District of Hamilton in the same manner and for all purposes, civil and military, as it did where undivided from the counties of Jefferson and Knox and the counties forming the Hamilton District at the next term of the Superior Court of Law and Equity shall furnish jurors for the court. Knox County will furnish 14 jurors, Jefferson County will furnish 11, and Sevier County will furnish 11.
2. Acts of 1795, Chapter 7, stated that Sevier County would furnish seven jurors for the Grand Jury of the Hamilton District.
3. Acts of 1797, Chapter 6, provided for the Superior Court of Law and Equity to hold Court in the Hamilton District on the fourth Monday in March and September.
4. Acts of 1797, Chapter 7, stated that Sevier County shall furnish four jurors for the Grand Jury of the Hamilton District; Knox County will furnish twelve, Blount County will furnish five, Cocke County will furnish four, Jefferson County will furnish seven, and Grainger County will furnish five.

5. Acts of 1817, Chapter 65, established and laid off solicitorial districts. Sevier County was placed in the third district along with Cocke, Jefferson, and Blount counties. The act further provided that there shall be appointed one attorney general for each district to prosecute on behalf of the state. The attorney general shall have the duty to attend the county and circuit courts, attend to appeals that may be taken in criminal cases from the county court to the circuit court and discharge all duties required by law for the county solicitor and attorney general. The act provided for the payment of \$125 from the state treasury to the attorney general and allowed for an additional allowance out of the county treasury up to \$50 per year.
6. Public Acts of 1835-36, Chapter 3, provided for three Divisions of the State wherein the Supreme Court would hear cases. These were the Eastern, Middle and Western Divisions with courts at Knoxville, Nashville and Jackson. Sevier County was in the Eastern Section.
7. Public Acts of 1835-36, Chapter 28, declared that each Judicial Circuit in the State would also be a Solicitorial District for the prosecution of crimes.
8. Public and Private Acts of 1897, Chapter 223, removed Sevier County from the Second Judicial Circuit and assigned it to the Criminal District of Knox County for the hearing of criminal cases. The act made it the duty of the Judge of the Criminal Court of Knox County to hold the Circuit Court of Sevier County and the District Attorney to attend the terms of court and prosecute the cases.

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