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Circuit Court

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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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 Chapter 566 of the Private Acts of 1953 is repealed.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.

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