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# Court System - Historical Notes

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Sincerely,

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# Court System - Historical Notes

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

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

1. Acts of 1825, Chapter 279, provided that hereafter, when any person was summoned as a juror in either Humphreys, Perry, or Roane Counties, who lived on the opposite side of the Tennessee River from the side on which the county seat was located, it would be the duty of the ferry men where any of the jurors must cross the river to attend the court summoning them as such to give the jurors a certificate where they paid their fares which the juror could file with the Trustee and be reimbursed the full amount of the ferry charge.
2. Acts of 1891, Chapter 26, provided that a special law court would be held at Rockwood in Roane County for the residents of the Sixth, Seventh, Eleventh, Twelfth, and Thirteenth Civil Districts of the county. This court would be one of the courts of the Third Judicial Circuit, held by the Judge of that circuit with jurisdiction of all civil and criminal cases arising in those civil districts. The Circuit Court Clerk at Kingston would transfer all the records of his court in these cases to the court at Rockwood and would likewise serve as the clerk of that court. The expenses of this special court would be paid out of the county treasury. This Act was repealed by the one following.
3. Acts of 1893, Chapter 52, repealed Acts of 1891, Chapter 26, and directed that all the unfinished business in the law court at Rockwood be transferred to the circuit court at Kingston, and all process and bonds likewise made to conform. Forfeitures would be taken, when necessary, by the court at Kingston.
4. Private Acts of 1905, Chapter 397, set up a Board of Jury Commissioners in Roane County composed of three discreet freeholders of the county, who were not attorneys or state, county, or city officials, who had no suit pending in court, and no more than two being of the same political party, who would be appointed for a term of six years by the circuit court judge, and who must be sworn into office by the oath prescribed in this Act. The Circuit Court Clerk, who would also be sworn according to another oath in this act, would serve the board as a clerk. The Board, after meeting and selecting one of their number as Chairman, was required to select from the tax rolls, or from other public sources, a number of names equal to one-fifth of the number voting in the past presidential election, but never less than 250 nor more than 1500, who would make up the Jury List for the next two years. These names had to be entered in alphabetical order in a book provided for the Board by the Clerk and certified by all board members. This list would further be reported at the next term of the circuit court. These names were to be written also on scrolls, or cards, and placed into a box which would be locked and sealed, never to be opened except in the presence of the Board, or the Judge. From ten to fifteen days before the term of court would open, the box would be brought into court and opened, and a child under ten years of age would draw out the number of names ordered by the court which names were to be certified by the Board and delivered to the court. Five days before the court term opened the list would be sent to the Sheriff who would summon the jurors. Adequate records must be kept of those serving as jurors, and no excuse would be accepted by anyone other than the Judge.
5. Private Acts of 1911, Chapter 225, established Boards of Jury Commissioners in the counties of Monroe, McMinn, and Roane. A three member board would be appointed by the circuit judge of the county from different geographical sections of the same, who were not attorneys, not state, county or city officers, who had no suit pending, and not over two from the same political party, who would serve a six year term, and be sworn into office under the terms and oath of the act. The Circuit Court Clerk would serve as clerk after being sworn to the oath prescribed in the Act. The Board must meet, select a chairman, and choose from the tax rolls, or other public sources, a number of names equal to one-fifth of the total votes cast in the latest presidential election but in no case to fall under 250, nor more than 1000. These people would be the Jury list for the next two years. Their names would also be entered in a book, furnished by the circuit court clerk in alphabetical order and the list be certified by all members of the Board. The names of those who were dead, or had been removed from the county were to be purged from the list. Provisions were made to summon special panels for the special cases and to replenish panels which might be on the verge of exhaustion. The Sheriff must summon the prospective jurors from the list of names delivered to him by the Board. The court had the power to investigate suspected frauds and irregularities. A schedule of forfeits and fines was established for non-compliance with, or violation of the terms thereof.

6. Private Acts of 1925, Chapter 521, formed Boards of Jury Commissioners for Blount, McMinn, Roane, Monroe, Bradley, Polk, and Loudon Counties, who were to be appointed by the Judge of the Criminal Court, or the Circuit Court with Criminal Jurisdiction, the three of whom must possess the qualifications listed in the two preceding acts, but who would serve only a four year term and could not be reappointed. The Circuit Court Clerk was to continue as the Clerk to the Board in whose office the Board would meet on the first Monday in May, 1925, and every two years thereafter, to select a list of no less than 400 nor more than 800 names from the tax rolls, or other sources of public information, who, when chosen, would be the jury list for the next two years. The requirements for entering the names in a book and placing them in a box were the same as before. Two weeks before the court term, the Board would meet, shake the box, and a child under ten years of age would draw out of the box the number of names needed for the circuit and other courts. These cards would be placed in an envelope, confirmed, and sent to the Judge of the Criminal Court. The clerk would keep these names and return them to the box at the next board meeting. The Sheriff was obliged to summon both venires of prospective jurors. Provisions for special jury panels and to replenish exhausted panels were made simply to bring the box back into court and draw more names out of it. The remaining terms of this act were similar to the above acts except the Jury Commissioners would be paid \$4 each day for the time spent in this service.
7. Private Acts of 1927, Chapter 285, amended Private Acts of 1925, Chapter 521, Item 6, above, so that the act would no longer apply to Loudon County.
8. Private Acts of 1929, Chapter 797, amended the caption of Private Acts of 1905, Chapter 397, which applied only to Roane County, and which had apparently been superseded by the subsequent acts on the same subject, by making some changes in Sections 4, 7, and 18.
9. Private Acts of 1931, Chapter 556, applies to several other counties as well as Roane and contains only a general repealing clause. Many of its terms correspond to those of preceding acts reported on these pages except the prohibition on the reappointment of a board member was removed. The remainder of this lengthy statute was a reenactment of the prior acts on this subject and unnecessary to be repeated here. This Act was cited and considered in *Baker v. State*, 191 Tenn. 560, 235 S.W.2d 435 (1951).
10. Private Acts of 1949, Chapter 511, stated that in Roane County (identified by the use of the 1940 Federal Census figures) all jurors, both grand and petit, would be paid at the rate of \$5 per day but no tales juryman would be paid under this act unless serving more than one day.
11. Private Acts of 1955, Chapter 95, was properly ratified by the quarterly court but was also subject to approval by the voters in a referendum. The act would pay the jury commissioners \$10 each day and the same mileage as was then being paid to tales jurors. This Act has been superseded by public law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Roane 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.

1. Acts of 1822, Chapter 13, provided that the Judges of the Supreme Court would arrange to hold a Court of Equity at the present places of holding the Supreme Court at least once each year. The Chancery Court would be held at Rogersville on the first Monday in November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January. Each term of court would endure for two weeks unless the docket was cleared in a shorter time.
2. Acts of 1824 (Ex. Sess.), Chapter 14, scheduled the meetings of the Supreme Court at Knoxville, Sparta, and Nashville. The Act further directed the Judges of the Supreme Court to arrange among themselves to hold the Chancery Courts of the State at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Chancery Court at Kingston would hear and decide cases arising in the counties of Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount. The terms of Court would start in Kingston on the first Monday in June and December.
3. Acts of 1827, Chapter 79, formed two Chancery Divisions in Tennessee. The Eastern Division had in it the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, while the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris were assigned to the Western Division.
4. Acts of 1827, Chapter 88, directed the Chancellors of the Eastern Division to hold the Courts therein as they were specified to be held in this Act at Greenville, Rogersville, Carthage,

- McMinnville, and at Kingston on the first Monday in June and December for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe.
5. Acts of 1829, Chapter 27, changed the opening dates for the terms of the Chancery Court at Kingston to be held hereafter on the fourth Monday of May and November each year.
  6. Acts of 1831, Chapter 217, decreed that the Chancery Court at Kingston would hear cases hereafter only arising in the counties of Rhea, Hamilton, Roane, and Morgan.
  7. Acts of 1832, Chapter 19, rearranged the times for opening the Chancery Courts in all the Courts of the State. The Chancery Court at Kingston would commence its terms of Court hereafter on the second Monday in June and December.
  8. Acts of 1835-36, Chapter 4, created three Chancery Divisions in Tennessee, pursuant to the adoption of the new State Constitution, each of which was further divided into Districts. In the Eastern Division the counties of Morgan and Roane would compose the Seventh District whose Court would be held at Kingston on the third Monday in April and October. The other grand divisions were the Middle Division and the Western Division.
  9. Acts of 1837-38, Chapter 116, set up the terms of the Chancery Courts for several of the counties in the Eastern District. The Eastern District courts which were changed were those at Jonesboro, Greenville, Rogersville, Tazewell, Dandridge, Knoxville, Pikeville, Madisonville, and Kingston whose Court terms would begin on the fourth Monday in March and September. Equity causes in Roane County could be filed in either Kingston or Madisonville as the complainants elected.
  10. Acts of 1853-54, Chapter 54, created the Fifth Chancery Division which was composed of the Chancery Courts meeting at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta, and Livingston, and the counties which were attached to those courts. A Chancellor, who must be a resident of the Division, would be elected to preside over the new Division.
  11. Acts of 1855-56, Chapter 13, reset the Chancery Court terms for Roane County to begin in Kingston on the first Monday after the fourth Monday in March, and on the first Monday after the fourth Monday in September of each year.
  12. Acts of 1855-56, Chapter 112, rescheduled the terms of the Chancery Courts at Jasper, Pikeville, Sparta, Livingston, Jamestown, Montgomery, Kingston, Decatur, and Washington in the Fifth Chancery Division. The terms of court would begin at Kingston on the third Monday in April and October.
  13. Acts of 1857-58, Chapter 9, changed the opening dates of the Chancery Court terms in Montgomery and Kingston, in Roane County; Montgomery's Chancery Court would start its terms on the third Mondays in April and October, while Kingston's would be held on the first Thursdays after the third Mondays in April and October.
  14. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fifth Chancery Division included the counties of Polk, McMinn, Bradley, Hamilton, the Court at Chattanooga, Marion, Cumberland, Bledsoe, White, Overton, Fentress, Scott, Morgan, Meigs, Rhea, Blount, Monroe, and Roane whose court would continue to meet in Kingston on the Thursday after the third Monday in April and October.
  15. Acts of 1865, Chapter 7, was a post Civil War Act which formed the 8th Chancery Division in Tennessee consisting of the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn. A Chancellor would be appointed, or elected, to serve until his successor was elected.
  16. Acts of 1865, Chapter 14, set the terms of court for the counties in the newly formed Eighth Chancery Division. The terms of the Chancery Court at Kingston in Roane County would start on the Thursday after the third Monday in April and October, all process being made to conform to those dates. The Chancellor of this Division was also charged to hold the Circuit Court in these counties by interchange.
  17. Acts of 1865-66, Chapter 41, changed the terms of the Chancery Court in the Counties of Campbell, Union, Blount, and Roane whose court terms in Chancery reverted back to the third Monday in April and October.
  18. Acts of 1866-67, Chapter 33, provided that hereafter the Chancery Court of Roane County would be held at Kingston on the fourth Monday of April and October.
  19. Acts of 1868-69, Chapter 8, provided that the Chancery Court of Roane County would hereafter begin its terms of court on the fourth Monday in May and November with all process being directed to conform.
  20. Acts of 1869-70, Chapter 60, Section 4, required that all suits now pending in Roane County's

- Chancery Court in which all the parties litigant live in Morgan County to be transferred together with all the records and exhibits to Morgan County to be heard.
21. Acts of 1870, Chapter 32, reorganized the lower equity court system of the State into twelve Chancery Districts. The Second Chancery District contained the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana, if formed.
  22. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Courts in every county in the State. The Chancery Court in Roane County would commence its terms on the fourth Monday in May and November.
  23. Acts of 1870 (Ex. Sess.), Chapter 57, was a duplicate of Acts of 1869-70, Chapter 60, Item 20, above, which allowed the transfer of equity cases to Morgan County.
  24. Acts of 1871, Chapter 92, Section 2, set the terms of the Chancery Court of Roane County to begin on the second Monday in March and September of each year, all clerks being required to make process conform to these dates.
  25. Acts of 1872 (Ex. Sess.), Chapter 15, Section 4, rescheduled the terms for the Chancery Courts in the Second Division which were Knox, Sevier, Union, Morgan, Fentress, Scott, Loudon, Anderson, Blount, Campbell, and Roane where the regular terms of Chancery Court would begin on the second Monday in May and November.
  26. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revision of the lower court system of Tennessee. Eleven Chancery Divisions were designated in the State of which the Second Division included the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Loudon, Morgan, Scott, and Roane where the terms of the Chancery Court would start on the second Monday in May and November. This Act, plus several others, was considered by the Supreme Court in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
  27. Acts of 1887, Chapter 92, rescheduled the terms of the Chancery Courts in the Second Chancery Division of Tennessee. In Roane County the regular terms of the Chancery Court were to begin on the second Monday in January and July.
  28. Acts of 1899, Chapter 212, abolished the Second Chancery Division in Tennessee.
  29. Acts of 1899, Chapter 214, moved the counties of Sevier, Blount, and Loudon out of the Second Chancery Division and into the First Chancery Division. The Act also moved the Counties of Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott out of the Second Division and into the 12th Chancery Division which already contained the Counties of Sullivan, Hawkins, Hamblen, Grainger, Claiborne and Hancock. Court terms would continue in Roane County on the second Monday in January and July.
  30. Acts of 1899, Chapter 427, reorganized the entire lower judicial system in the State into ten Chancery Divisions. The Second Chancery Division was composed of the counties of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson. Regular Chancery Court terms would begin in Roane County on the third Monday in February and August.
  31. Acts of 1901, Chapter 438, reset the regular terms of the Chancery Courts in the Second Chancery Division which consisted still of those counties listed in Item 30, above. The court terms would begin in Roane County on the second Monday in June and December.
  32. Private Acts of 1911, Chapter 397, amended Acts of 1901, Chapter 438, Section 2, Item 31, above, to provide that the Chancery Court of Campbell County would meet on the days specified in the Act and the Chancery Court terms in Roane County would begin on the first Monday in June and December.
  33. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the next wholesale change in the lower court system in Tennessee. Fourteen Chancery Divisions were formed of which the Second Chancery Division contained the counties of Loudon, Hawkins, Claiborne, Hancock, Campbell, Anderson, Scott and Roane. The regular terms of court in Roane County would commence on the first Monday in June and December. This was the last Act of this nature to appear in the volumes of private acts. All future changes would be public acts in the form of Code Amendments.

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

The reference list below contains acts which once applied to the clerk and master in Roane County.

1. Acts of 1824 (Ex. Sess.), Chapter 14, set forth the duties of the Clerk and Master in Kingston, who

would be over chancery cases in Roane, Knox, Anderson, Morgan, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount Counties.

2. Private Acts of 1973, Chapter 37, amended Private Acts of 1959, Chapter 77, which created the General Sessions Court of Roane County, in Section 19 by making the Circuit Court Clerk the Clerk of the General Sessions Court instead of the Clerk and Master of the County.

### **Circuit Court**

The following acts were once applicable to the circuit court of Roane County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1801, Chapter 45, which created Roane County, made the new county a part of the Hamilton District, and provided for the courts to meet at the house of Alexander Carmichael in Kingston until a court house could be built or more suitable quarters found for the courts.
2. Acts of 1809, Chapter 49, divided the State into five Judicial circuits assigning the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe to the Second Judicial Circuit. Circuit Courts would be held twice each year in each county. The Circuit Court for Roane County would be held twice each year in each county. The Circuit Court for Roane County would begin its regular terms on the first Monday in March and September at the court house in Kingston.
3. Acts of 1817, Chapter 132, changed the opening dates of the regular circuit court terms for several counties in the Second Judicial circuit, designating the second Monday in March and September as the starting dates for the Roane County Circuit Court.
4. Acts of 1819, Chapter 72, created a Seventh Judicial Circuit in the State of Tennessee which included the counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe. The Governor was obligated to appoint a Judge for the new circuit who must reside therein and who would preside over the various courts at the term times specified which in Roane County, was the second Monday in March and September.
5. Acts of 1824, Chapter 60, was the legislative authority for the Judge of the Circuit Court in Roane County to set a time at the next, or at any ensuing term of court which would be the most convenient to the parties involved for a special term of court; sufficient notice must be given which would be adequate for the preparation of the cases to be heard. The Clerks of the Court would act and abide as they would in any regular term.
6. Acts of 1827, Chapter 5, provided that the terms of the circuit court of Roane County would commence on the second Monday in March and September as now established under the law and continue in session for two weeks, if necessary, closing before that only when the dockets were completed.
7. Acts of 1835-36, Chapter 5, organized the State of Tennessee into eleven Judicial Circuits pursuant to the dictates of the newly adopted State Constitution. The Third Judicial Circuit was composed of the counties of Rhea, Meigs, Bledsoe, Marion, Hamilton, McMinn, Monroe, and Roane. Court for the circuits would hereafter be held three times annually, beginning in Roane County on the fourth Monday in February, June, and October.
8. Acts of 1835-36, Chapter 41, Section 4, declared that the next term of the Circuit Court in the counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe, would take place as the same were scheduled under the law but after that term they would be held at the times stipulated in this Act which in the case of Roane County, would be the time prescribed in the Act above.
9. Acts of 1837-38, Chapter 3, took Roane County out of the Third Judicial Circuit and placed it in the Second Circuit, and further fixing the opening days of the terms of court in Roane County on the fourth Monday in February, June, and October.
10. Acts of 1853-54, Chapter 76, Section 3, reset the opening dates for the regular terms of the Roane County Circuit Court to the first Monday after the fourth Monday in February, June, and October of each year but the very next term of the circuit court in Roane County would commence on the fourth Monday in June as it was now slated to do.
11. Acts of 1857-58, Chapter 98, formed sixteen Judicial Circuits in Tennessee. The counties assigned to the Third Judicial Circuit under the terms of this Act were Monroe, Blount, Knox, Anderson, and Roane. Court terms in the new Third Circuit remained as they were formerly established by law.
12. Acts of 1865, Chapter 14, Section 3, in an attempt to provide for the orderly administration of the Judicial system after the civil war, reset the terms of the Chancery Courts in the 8th Chancery Division of the State and required the Chancellor of that division to hold the Circuit Courts in the

same counties, including Roane, by interchange.

13. Acts of 1868-69, Chapter 8, Section 2, rearranged the terms of the Circuit Court in Roane County to begin on the fourth Monday in April, August, and December in the place of the times now set under previous statutes.
14. Acts of 1870, Chapter 31, was a major revision of the lower civil court system in the State. Fifteen regular, and one special, judicial circuits were formed in Tennessee. The Third Judicial Circuit was made up of the counties of Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount, and Christiana, if established.
15. Acts of 1870, Chapter 46, scheduled the opening dates for the regular terms of the Circuit Courts in every county in Tennessee. Roane County's Circuit Court would take up its docket on a regular basis on the second Monday after the fourth Monday in March, July, and November.
16. Acts of 1871, Chapter 92, Section One, provided that the Circuit Court of Roane County would hereafter begin the regular terms of court on the second Monday in April, August, and December, but the next term would be observed at the date now provided by law.
17. Acts of 1885 (Ex. Sess.), Chapter 20, in its reorganization of the entire lower judicial system of the State, established fourteen regular, and one special, judicial circuits, assigning the counties of Knox, Blount, Loudon, Monroe, Morgan, Scott, and Roane to the Third Judicial Circuit. Roane County's Circuit Court would begin its regular terms under the new law on the second Monday in April, August, and December.
18. Acts of 1899, Chapter 168, abolished the Third Judicial Circuit which was composed of the counties of Blount, Loudon, Roane, Morgan, Fentress, and Scott.
19. Acts of 1899, Chapter 409, Section 3, attached the counties of Blount, Loudon, and Roane to the 17th Judicial Circuit and fixed the terms of Court for those counties. In Roane County the regular terms of the Circuit Court would begin on the third Monday in March, July, and November.
20. Acts of 1899, Chapter 427, was a complete overhaul of the State's lower court system, which created a total of fourteen Judicial Circuits and fixed the terms of court for those counties. In Roane County the regular terms of the Circuit Court would begin on the third Monday in March, July, and November.
21. Acts of 1901, Chapter 413, rearranged the terms of court for the same counties listed above as composing the Fourth Judicial Circuit. The terms of court in Roane County, however, would continue to commence on the third Monday in March, July, and November.
22. Acts of 1903, Chapter 354, amended Acts of 1901, Chapter 413, Item 21, above, by altering the court dates for the terms of circuit court in some of the counties but did not affect the status of the circuit court in Roane County.
23. Private Acts of 1905, Chapter 204, rescheduled the terms of the circuit court for the counties of Polk and Roane in the Fourth Judicial Circuit. The Circuit Court terms in Roane County would begin on the first Monday in March, July, and November, and all process would be made to conform to those dates.
24. Private Acts of 1923, Chapter 537, rearranged the circuit court terms for the counties of McMinn, Monroe, Loudon, and Roane in the Fourth Judicial Circuit. In Roane County the circuit court would convene for its regular terms on the second Monday in April, August, and December.
25. Private Acts of 1925, Chapter 218, set different times for the opening dates of the circuit court terms in Blount County, Roane County, and for the special law court in Ducktown. The Roane County Circuit Court would meet for the regular terms on the fourth Monday in March, July, and November.
26. Public Acts of 1929, Chapter 142, changed court terms for the criminal division and the civil division of the courts in the Fourth Judicial Circuit, which included the counties of Bradley, Loudon, Blount, McMinn, Polk, Monroe, and Roane whose circuit court would regularly meet on the third and fourth Monday in January, May, and September.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last Act of this nature appearing in the volumes of private acts. All future changes would take the form of amendments to Code Sections. Twenty Judicial Circuits were provided and this Act named the counties of Bradley, Blount, Loudon, McMinn, Polk, Monroe, and Roane as those constituting the Fourth Judicial Circuit. Court terms were set to commence in Roane County on the first Monday in March, July and November.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Roane County Circuit Court Clerk. They



were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a statewide salary act but pertained only to the circuit court clerks of the State, fixing their annual compensation according to the population of the county in which they served, according to the 1900 Federal Census. Our records would indicate an annual salary of \$1,000 for the Circuit Court Clerk of Roane County. The Clerk must file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office during the year. If the fees were less than the salary, the county must pay the difference, but, if the fees exceeded the salary, the Clerk could keep the excess as his own.
2. Private Acts of 1925, Chapter 543, stated that the Circuit Court Clerk of Roane County (identified by the 1920 Federal Census figures) would be paid an annual salary of \$1,000 as compensation for his services plus all the fees and perquisites granted to them under the law. The salary would be paid to the clerk out of the county treasury on the warrant of the County Judge each quarter.
3. Private Acts of 1927, Chapter 14, amended Private Acts of 1925, Chapter 543, in Sections One and Two to the effect that the annual compensation of the Circuit Court Clerk would be increased from \$1,000 to \$1,500 and all other terms and conditions remain as they were.
4. Private Acts of 1973, Chapter 37, amended Private Acts of 1959, Chapter 77, in Section 19, by making the Clerk of the Circuit Court of Roane County the Clerk of the General Sessions Court of the county who would replace the Clerk and Master as the said Clerk.

### **Criminal Court**

The following acts once pertained to the Roane 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 1915, Chapter 153, created a Criminal Court for Roane County conferring upon it the general common law and statutory jurisdiction over all criminal cases in the county and setting the terms for their court to begin on the fourth Monday in April, August, and December. The Clerk of the Circuit Court would do and perform all the duties of this court with the same compensation. The Attorney General to the Fourth Judicial Circuit was required to attend to the prosecution of cases therein. The Judge of the Criminal and Law Court for the counties of Hancock, Claiborne, Campbell, Scott, Morgan, and Anderson, would likewise hold the Criminal Court of Roane County. This Act was repealed by Private Acts of 1923, Chapter 264.
2. Private Acts of 1915, Chapter 413, was almost a duplicate of Public Acts of 1915, Chapter 153, except this act specified by amendment, that the Judge of the 19th Judicial Circuit would preside over this court. It must be assumed that the general repealing clause of this act negated Chapter 153, until the same was later repealed specifically.
3. Private Acts of 1919, Chapter 313, amended Private Acts of 1915, Chapter 413, by rewriting Section 6 to the effect that the Circuit Judge of the 19th Judicial Circuit would hereafter hold the Criminal Court of Roane County.
4. Private Acts of 1923, Chapter 264, repealed Public Acts of 1915, Chapter 153, as that act was written, and provided further that all bonds and process outstanding in the Criminal Court would be returned to the Circuit Court of the county, the next term of which would start on the first Monday in July, 1923, unless a special term were called sooner. (It would seem that the General Assembly intended to abolish the Criminal Court created by Chapter 153, Public Acts of 1915, which was operating in Roane County, although Chapter 413, Private Acts of 1915 was not mentioned.)
5. Public Acts of 1925, Chapter 15, was an exact duplicate of Private Acts of 1925, Chapter 58, both of which created the "criminal court of the Fourth Judicial Circuit", consisting of Blount, Monroe, Roane, Loudon, McMinn, Bradley and Polk (in Benton and Ducktown) Counties.
6. Private Acts of 1925, Chapter 105, fixed the dates for the opening of the regular terms for the criminal courts in the counties of Bradley, Loudon, for the Court at Ducktown, and for Roane County where the Criminal Court terms would start on the second Monday in February, June, and October.
7. Public Acts of 1929, Chapter 142, rearranged the terms of Court in the Criminal Division of the Fourth Judicial Circuit. In Roane County the terms of the Criminal Court would start on the first and second Monday in March, July and November.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, re-established the Criminal Division of the Fourth Judicial Circuit which comprised the counties of Bradley, Loudon, Blount, McMinn, Polk, Monroe and Roane where the court would meet on the third Monday in January, May, and September.
9. Public Acts of 1965, Chapter 188, created the 24th Judicial Circuit and transferred the counties of

Polk, McMinn, Bradley, and Monroe into that circuit, leaving Blount County, Loudon County, and Roane County in the criminal division of the Fourth Circuit. The court would continue to meet on the first Monday in March, July, and November, in Roane County.

10. Public Acts of 1978, Chapter 707, changed the time for holding criminal court in Roane County to the third Mondays in March, July, and November.
11. Public Acts of 1979, Chapter 427, changed the time for holding criminal court in Roane County to the First Mondays in January, May and September.

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

The following acts once affecting Roane County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, established the Sixth Judicial Circuit and set up ten solicitorial Districts across the State. The Fourth Solicitorial District contained the counties of Knox, Anderson, Morgan, Roane, and Rhea.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District in the future to coincide with the boundaries of each Judicial Circuit which had criminal jurisdiction.
3. Public Acts of 1971, Chapter 130, created the position of one (1) additional Assistant District Attorney General for the Fourth Judicial Circuit, which included Roane County until the trial courts were redistricted according to T.C.A. 16-2-506 (September 1, 1984). Public Acts of 1974, Chapter 687, created the position of Criminal Investigator for the Fourth Judicial Circuit and defined the powers of such investigator. These acts no longer apply to Roane County since T.C.A. 16-2-506(9) places Roane County in the Ninth Judicial District, and provides positions for four (4) Assistant District Attorneys General and one (1) Criminal Investigator for that District.

### **General Sessions Court**

The following acts once affected the general sessions court of Roane County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1959, Chapter 77, created a General Sessions Court for Roane County. This statute is published herein with its amendments.
2. Private Acts of 1974, Chapter 218, was an exact duplicate of Private Acts of 1974, Chapter 200, as stated above, and as reproduced in the act.
3. Private Acts of 1974, Chapter 251, would have amended Private Acts of 1959, Chapter 77, in Section 3, but was rejected by the Roane County Quarterly Court and therefore never became an effective law. This act would have added a provision that, contingent upon the abolition of the office of County Judge in Roane County, the said General Sessions Court was vested with jurisdiction in all matters of Juvenile and Probate cases as the same were set forth in Sections 16-709 through 16-716, Tennessee Code Annotated.
4. Public Acts of 1979, Chapter 400, provided that in those counties not in the first, second, or third population class, and in which was located a State Mental Institution, the Judge of the General Sessions Court would be on a full time status and be compensated in like manner as the General Sessions Judges in counties of the third population class.
5. Private Acts of 1980, Chapter 290, amended Private Acts of 1959, Chapter 77, as amended which created the General Sessions Court of Roane County. This act amended Section 16 to increase the salary of the Judge of the General Sessions Court from \$15,000 to \$23,900, and added a new Section 2(a) to the act to place probate and juvenile jurisdiction in the General Sessions Court and remove the same from the County Court and County Judge, if, for any reason, the County Judge was unable to preside. This Act was rejected by the Roane County Legislative Body on May 12, 1980, and therefore never became an effective law under the Home Rule Amendments to the Constitution.
6. Private Acts of 1982, Chapter 323, was a variation of Private Acts of 1982, Chapter 312, which amended the original 1959 Act, published herein. Chapter 323, which was not approved, did not amend Sections 7 and 14 so as to provide for separate court dockets and the setting of fees. This act was rejected by the Roane County legislative body.
7. Private Acts of 1982, Chapter 372, was also an attempt to amend the 1959 Act. It differed from the Private Acts of 1982, Chapter 312, in that this amendment provided that the Circuit Court Clerk, instead of the County Clerk, would serve in all matters other than juvenile in the general sessions court. This act was not approved and is thereby void.
8. Private Acts of 1982, Chapter 380, was yet another variation of Private Acts of 1982, Chapter 312,

to amend the 1959 Act. It provided that the County Clerk would be over juvenile cases while the Clerk and Master would be over all probate matters in general sessions. This act was also rejected.

9. Private Acts of 1995, Chapter 46, attempted to amend Private Acts of 1959, Chapter 77 and all other acts amendatory thereto, to create and establish Part II of the General Sessions Court in Roane County. This act was rejected by the Roane County legislative body.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1951, Chapter 86, established a position of Secretary to the Chancellor of the Second Chancery Division to serve at the Chancellor's pleasure and direction at an annual salary of \$1,800.
2. Public Acts of 1963, Chapter 231, set up the part of Secretary to the Judge of the Fourth Judicial Circuit at \$2,400 per annum.
3. Public Acts of 1963, Chapter 332, amended Public Acts of 1951, Chapter 86, Item One, above, by raising the annual salary of the Secretary to the Chancellor of the Second Chancery Division from \$1,800 to \$3,000.
4. Public Acts of 1972, Chapter 550, provided for a Secretary to serve at the direction and pleasure of the Attorney General of the Fourth Judicial Circuit at an annual salary of \$4,800.

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