



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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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.

Sincerely,

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# Chapter V - Court System

## Court System - Historical Notes

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

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 Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 521, created a Board of Jury Commissioners for a number of counties, among them Polk County; but Private Acts of 1949, Chapter 351, removed the applicability of this act to Polk County.
2. Private Acts of 1931, Chapter 556, established a Board of Jury Commissioners for Polk County, with provisions very similar to those now found in the general law. This Board was to be composed of three "discreet" members, appointed by the Circuit and Chancery Judges, and the method of preparing jury lists and selecting those for jury duty were made by this act.
3. Private Acts of 1949, Chapter 353, was the next act creating a Board of Jury Commissioners for Polk County. This act provided that the three member commission would be appointed by and serve at the pleasure of the Quarterly County Court. This was repealed by Private Acts of 1951, Chapter 217.
4. Private Acts of 1951, Chapter 418, was the last private act establishing a Board of Jury Commissioners for Polk County before the enactment of the general statutes. This act provided that the three member commission would be appointed by the Circuit and Criminal Court Judges and that no attorneys could serve on the commission nor could any more than two members belong to the same political party.
5. Private Acts of 1951, Chapter 419, created the office of Clerk to the Chairman of the Quarterly County Court and provided said Clerk with an annual salary of \$2,400.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Polk 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 1851-52, Chapter 293, provided that the county of Polk was to form a separate chancery division and court was to be held in Benton on the first Mondays in February and March. This was amended by Acts of 1853-54, Chapter 110, to provide that all disputes in chancery, which concerned property within the bounds of the chancery district composed of Polk County, were to be instituted in Benton as long as any of the defendants resided in Polk County.
2. Acts of 1903, Chapter 232, set the time for beginning the chancery court terms on the fourth Mondays in April and October.
3. Public Acts of 1931 (Ex. Sess.), Chapter 38, placed Polk County in the Twelfth Chancery Division.

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

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

1. Private Acts of 1923, Chapter 25, set the salary of the Clerk and Master at \$2,100 per year, and this act was amended by Private Acts of 1925, Chapter 476, to raise this salary to \$3,000 annually.

### **Circuit Court**

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

1. Acts of 1841-42, Chapter 50, transferred from the circuit court in Bradley County to the circuit court in Polk County those civil suits which had been pending at the time of the creation of Polk County.
2. Acts of 1847-48, Chapter 134, provided that the circuit court session in Polk county would be allowed to continue for longer than one week, if additional time was necessary for the court to complete its docket.
3. Acts of 1855-56, Chapter 150, set the time for holding circuit court on the third Mondays in May, January, and September of each year.

4. Acts of 1855-56, Chapter 156, set the time for holding court to the third Monday of February of 1856, and the fourth Monday of May, September, and January of in each year.
5. Acts of 1870, Chapter 120, was the original act establishing the Ducktown Law Court. It was superseded by Private Acts of 1911, Chapter 413.
6. Acts of 1895, Chapter 207, set the time for holding circuit court on the third Mondays in March and September.
7. Acts of 1897, Chapter 143, provided that supreme court reports were to be furnished to the Polk County Circuit Court Clerk's office.
8. Acts of 1903, Chapter 354, set the time for holding circuit court on the first Mondays in March, July and November.
9. Acts of 1905, Chapter 204, changed the time for holding circuit court in Polk County to the third Mondays in March, July and November.
10. Private Acts of 1911, Chapter 413, described the Ducktown Law Court and gave it all the powers of a Circuit Court within the Seventh, Eighth, and Tenth Civil Districts of Polk County.
11. Private Acts of 1919, Chapter 145, set the annual salary of the circuit court clerk at \$1,800; this was raised to \$2,100 by an amendment in Private Acts of 1927, Chapter 608.
12. Private Acts of 1923, Chapter 58, created a criminal court for the Fourth Judicial Circuit, composed of the counties of Blunt, Monroe, Loudon, McMinn, Bradley, and Polk (where it was to be held in both Benton and Ducktown).
13. Private Acts of 1925, Chapter 105, set the time for holding the criminal court in Ducktown on the first Mondays in May and September.
14. Private Acts of 1925, Chapter 218, provided that the law court in Ducktown was to meet on the first Monday in March, July and November.
15. Private Acts of 1925, Chapter 553, changed the time for holding the law court at Ducktown to the first Mondays in January, May and September.
16. Public Acts of 1931 (Ex. Sess.), Chapter 38, created a new court system in Tennessee. Polk County was originally in the fourth judicial circuit.
17. Private Acts of 1933, Chapter 758, set the salary of the circuit court clerk at \$1,200 per year and declared that this salary increase was necessary because of the expense of serving in two different courts, in Benton and Ducktown, which were approximately forty-two miles apart. This was repealed by Private Acts of 1947, Chapter 31. This salary is now set by the quarterly county court and regulated by §§ 8-24-102 and §§ 8-24-104 of Tennessee Code Annotated.

### **Criminal Court**

The following acts once pertained to the Polk County Criminal Court, but are no longer current law.

1. Private Acts of 1925, Chapter 58, created a Criminal Court in the Fourth Judicial Circuit for the counties of Blunt, Monroe, Loudon, Roane, McMinn, Bradley and Polk (in Polk at Benton and Ducktown). Court would be held in Monroe County at Madisonville beginning on the second Mondays in March, July and November.
2. Public Acts of 1931 (Ex. Sess.), Chapter 38, provided for the Criminal Courts of the Fourth Judicial Circuit which included the counties of Bradley, Roane, Loudon, Blunt, McMinn, Polk and Monroe in which county the terms of the Criminal Court would begin on the first Monday in January, May and September.
3. Public Acts of 1965, Chapter 188, created the Twenty-fourth Judicial Circuit consisting of the counties of Bradley, McMinn, Monroe, and Polk.

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

The following acts once affecting Polk County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repealed prior law without

1. Public Acts of 1939, Chapter 228, created the position of Criminal Investigator for the Fourth Judicial Circuit who must be a resident of the circuit, an attorney, and over 21 years of age. The Governor would appoint the first Investigator and the Criminal Court Judge would appoint one every two years thereafter. The salary was fixed at \$1,200 per year. This Act was repealed by Public Acts of 1965, Chapter 189.
2. Public Acts of 1965, Chapter 188, authorized the District Attorney General for the Twenty-Fourth Judicial Circuit to appoint two suitable persons as Assistant Attorneys General or one Assistant

District Attorney General and one Criminal Investigator.

3. Public Acts of 1967, Chapter 385, created the office of an additional Assistant District Attorney General for the Twenty-Fourth Judicial Circuit.
4. Public Acts of 1977, Chapter 356, created the office of an additional Criminal Investigator for the District Attorney General of the Twenty-fourth Judicial Circuit.

### **General Sessions Court**

The following act once affected the general sessions court of Polk County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1959, Chapter 328, attempted to create a Court of General Sessions for Polk County, but the provisions of this act were rejected by local authorities and never became effective law.

### **Secretarial Assistance**

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

1. Public Acts of 1963, Chapter 231, created the position of Secretary for the Fourth Judicial Circuit, of which Polk County was then a part.

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