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## Chapter V - Court System

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Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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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 Morgan County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 97, created and regulated a board of jury commissioners for Morgan County. The act provided for the selection of juries; prescribed the duties of the members of said board and of the judges and provided for jury lists and jury boxes. This act was amended by Private Acts of 1921, Chapter 298, which allowed the judges to summon persons as jurors if it became necessary to have additional jurors. Private Acts of 1921, Chapter 299, further amended Private Acts of 1915, Chapter 97, which eliminated the requirement that prospective jurors be both free holders and house holders of Morgan County.
2. Private Acts of 1919, Chapter 677, fixed the time for the appointment of the board of jury commissioners for Morgan County, and provided for the extension of the term of the board of jury commissioners.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Morgan County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1824, Chapter 14, set the time for holding the Morgan County Chancery Court on the first Mondays in June and December.
2. Private Acts of 1831, Chapter 217, Section 7, provided that the Kingston Chancery District be composed of the counties of Morgan, Rhea, Hamilton and Roane.
3. Public Acts of 1835-36, Chapter 4, established chancery court districts throughout the state. The counties of Morgan and Roane composed the seventh chancery district which was held on the third Mondays in April and October at Kingston.
4. Acts of 1837-38, Chapter 116, Section 12, set the time for holding the Morgan County Chancery Court on the fourth Mondays of March and September.
5. Public Acts of 1857-58, Chapter 88, placed Morgan County in the fifth chancery division and set the time for holding said court on the third Mondays of April and October at Montgomery.
6. Private Acts of 1865-66, Chapter 129, Section 4, set the time for holding the Morgan County Chancery Court on the third Monday in March, July and November.
7. Public Acts of 1869-70, Second Session, Chapter 32, divided the state into chancery districts. The second chancery district was composed of Morgan, Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Fentress and Christiana counties.
8. Public Acts of 1869-70, Second Session, Chapter 47, fixed the time for holding chancery courts throughout the state. The time for holding the Morgan County Chancery Court was set to the third Mondays in June and December.
9. Public Acts of 1875, Chapter 41, set the time for holding the Morgan County Chancery Court to the fourth Mondays in March, July and November. This act was repealed by Public Acts of 1879, Chapter 51, which set the time for holding the Morgan County Chancery Court to the first Mondays of March, July and November.
10. Public Acts of 1885, Chapter 111, set the time for holding the Morgan County Chancery Court to the last Mondays of February, June and October.
11. Acts of 1885, Extra Session, Chapter 20, divided the state into chancery divisions. The second chancery division was composed of the counties of Morgan, Campbell, Knox, Sevier, Union, Anderson, Blount, Roane, Loudon and Scott. The time for holding said court in Morgan County was set to the second Mondays in March and September.
12. Public Acts of 1891, Chapter 240, changed the time for holding the Morgan County Chancery Court to the first Mondays in March and September.

13. Public Acts of 1899, Chapter 427, divided the state into chancery divisions. Morgan County was placed in the second chancery division along with Sevier, Blount, Loudon, Campbell, Anderson, Roane, Scott, Union, Fentress and Jefferson counties. The time for holding said court in Morgan County was set to the first Mondays in March and September.
14. Private Acts of 1901, Chapter 496, set the time for holding the Morgan County Chancery Court to the fourth Mondays in May and November.
15. Acts of 1903, Chapter 97, set the time for holding the Morgan County Chancery Court on the first Tuesday after the third Mondays in May and November.
16. Public Acts of 1931, Second Extra Session, Chapter 38, placed Morgan County in the fourth chancery division along with Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, White and Putnam counties. The time for holding said court in Morgan County was set to the third Mondays in May and November.
17. Private Acts of 1935, Chapter 692, transferred Morgan County from the fourth to the second chancery division. This act was amended by Private Acts 1935, Extra Session, Chapter 120, so as to transfer Morgan County from the fourth chancery division to the second chancery division. This act also set the time for holding said court on the fourth Mondays in June and December.

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

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

1. Private Acts of 1915, Chapter 163, made women over the age of 21 years eligible to be appointed and serve as deputies in the office of the clerk and master of the Morgan County Chancery Court.
2. Private Acts of 1929, Chapter 234, set the compensation of the Morgan County Clerk and Master at \$1,800.00 per annum. This act was amended by Private Acts of 1931, Chapter 786, to reduce the compensation of the clerk and master to \$1,500.00 per annum. The act as amended, was repealed by Private Acts of 1935, Chapter 100.

### **Circuit Court**

The following acts were once applicable to the circuit court of Morgan 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 1817, Chapter 132, set the time for holding circuit court in Morgan County on the first Mondays in March and September.
2. Public Acts of 1835-36, Chapter 5, established judicial circuits throughout the state. The second judicial circuit was composed of Morgan, Cocke, Jefferson, Sevier, Blount, Knox, Campbell and Anderson counties. The time for holding the Morgan County Circuit Court was set for the third Mondays of March, July and November. This act was amended by Acts of 1837- 38, Chapter 3, which provided that the circuit courts be composed of fourteen judicial circuits and reaffirmed the time for holding the Morgan County Circuit Court on the third Mondays of March, July and November.
3. Public Acts of 1857-58, Chapter 98, placed Morgan County in the fifth judicial circuit and set the time for holding said court on the third Mondays in February, June and October.
4. Public Acts of 1857-58, Chapter 95, established the sixteenth judicial circuit and placed Morgan County therein. The time for holding said court in Morgan County was set to the second Monday in March, July and November.
5. Private Acts of 1859-60, Chapter 59, Section 3, set the time for holding the Morgan County Circuit Court on the fourth Monday in February and the third Mondays in June and October.
6. Public Acts of 1865-66, Chapter 8, placed Morgan County in the seventeenth judicial circuit and set the time for holding said court in Morgan County on the third Mondays in March, July and November.
7. Public Acts of 1869-70, First Session, Chapter 60, Section 2, detached Morgan County from the fifth judicial circuit and attached it to the third judicial circuit.
8. Public Acts of 1869-70, Second Session, Chapter 31, laid the state off into judicial circuits. Morgan County was placed in the third judicial circuit along with Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount and Christiana counties.
9. Public Acts of 1869-70, Second Session, Chapter 46, fixed the time for holding the Morgan County Circuit Court to the third Mondays in March, July and November.

10. Public Acts of 1870-71, Chapter 108, validated the acts of the circuit court which had held court in Montgomery for a time after the county seat had been moved to Wartburg.
11. Public Acts of 1873, Chapter 22, Section 3, created the sixteenth judicial circuit and placed Morgan County therein. The time for holding said court in Morgan County was set on the second Mondays of April, August and December in Wartburg.
12. Public Acts of 1875, Chapter 41, set the time for holding the Morgan County Circuit Court to the fourth Mondays in March, July and November. This act was repealed by Public Acts of 1879, Chapter 51, which set the time for holding the Morgan County Circuit Court on the first Mondays of March, July and November.
13. Public Acts of 1885, Chapter 111, set the time for holding the Morgan County Circuit Court on the last Mondays of February, June and October.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. The third judicial circuit was composed of the counties of Morgan, Blount, Monroe, Loudon, Roane and Scott. The time for holding said court in Morgan County was set on the fourth Mondays in March, July and November.
15. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. The second judicial circuit was composed of the counties of Morgan, Jefferson, Sevier, Grainger, Hamblen, Cocke, Scott, Campbell, Anderson, Union and Fentress. The time for holding said court in Morgan County was set on the fourth Monday in February, June and October.
16. Acts of 1903, Chapter 227, set the time for holding the Morgan County Circuit Court on the third Mondays in March, July and November.
17. Acts of 1905, Chapter 101, set the time for holding the Morgan County Circuit Court on the first Mondays of March, July and November.
18. Private Acts of 1917, Chapter 768, placed Morgan County in the nineteenth judicial circuit, along with Hancock, Claiborne, Campbell, Scott and Anderson counties.
19. Private Acts of 1919, Chapter 330, set the time for holding the Morgan County Circuit Court on the third Mondays of February, June and October.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Morgan County in the nineteenth judicial circuit along with Anderson, Campbell, Scott, Claiborne and Fentress counties. The time for holding said court in Morgan County was set to the third Mondays in October, February and June.

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

The following acts have no current effect, but once applied to the Morgan County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1826, Chapter 27, authorized that the Morgan County Circuit Court Clerk keep his office at his own house, within one mile of the town of Montgomery, in said county.
2. Private Acts of 1913, Chapter 318, set the salary of the Morgan County Circuit Court Clerk at \$800.00 per annum.
3. Private Acts of 1929, Chapter 75, set the compensation of the Morgan County Circuit Court Clerk at \$1,200.00. This act was amended by Private Acts of 1933, Chapter 464, which changed the method of paying the circuit court clerk from annually to quarterly.
4. Private Acts of 1931, Chapter 694, set the salary of the Morgan County Circuit Court Clerk at \$1,000.00 per annum.
5. Private Acts of 1947, Chapter 181, fixed the compensation of the Morgan County Circuit Court Clerk at \$150.00 per month.
6. Private Acts of 1949, Chapter 177, fixed the compensation of the Morgan County Circuit Court Clerk at \$200.00 per month.

#### **Criminal Court**

The following acts once pertained to the Morgan 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 1899, Chapter 427, set the time for holding the Morgan County Criminal Court on the fourth Mondays in February, June and October.
2. Acts of 1905, Chapter 359, created a criminal court for Morgan, Anderson, Campbell, Scott, Fentress, Pickett, and Union counties to be known as the criminal court for the second judicial

circuit. The court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a judge, clerk, and attorney general. This court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the circuit court wherein it was exercised before the passage of this act.

3. Public Acts of 1913, Chapter 13, created a criminal and law court for Hancock, Claiborne, Campbell, Morgan, Scott and Anderson counties, and fixed the time for holding the said court in each county. The act stated a judge would be appointed to hold until September 1, 1914, when a popularly elected judge would take over. Hancock and Claiborne counties were taken from the first judicial circuit, and Campbell, Scott, Morgan and Anderson were taken from the second judicial circuit. This act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87. Private Acts of 1917, Chapter 768, further amended Public Acts of 1913, Chapter 13, as it was previously amended, by making those counties named therein the nineteenth judicial circuit.
4. Public Acts of 1929, Chapter 89, created a criminal court of the nineteenth judicial circuit which was composed of the counties of Morgan, Anderson, Fentress, Campbell, Scott and Claiborne. The time for holding said court in Morgan County was set on the first Mondays of March, July and November. This act, amended by Private Acts of 1931, Extra Session, Chapter 56, changed the time for holding the Morgan County Criminal Court to the fourth Mondays in March, July and November.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed the Morgan County Criminal Court in the nineteenth judicial circuit. The time for holding said court in Morgan County was set to the fourth Mondays in March, July and November

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

The following acts once affecting Morgan 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 1817, Chapter 65, divided the state into solicitorial districts. The counties of Morgan, Knox, Anderson, Roane and Rhea composed the fourth solicitorial district.
2. Public Acts of 1929, Chapter 91, created the office of assistant attorney-general for the nineteenth judicial circuit which was composed of the counties of Morgan, Anderson, Scott, Fentress, Claiborne and Campbell. The act also prescribed the qualifications of the person who shall be eligible to fill said office, fixed his compensation and prescribed his duties. This act was amended by Public Acts of 1941, Chapter 18, which provided that the assistant attorney general be appointed by the district attorney for such district and was to hold said office at the pleasure of the attorney general. This act was further amended by Public Acts of 1943, Chapter 102, Public Acts of 1949, Chapter 29 and Public Acts of 1953, Chapter 261, which increased the salary of the assistant attorney-general to \$2,700.00, \$3600.00 and \$4,000.00 respectively.
3. Public Acts of 1965, Chapter 364, prescribed that all assistant district attorneys and criminal investigators in the nineteenth judicial circuit, which included Morgan County, would be paid \$4,800.00 per annum.
4. Public Acts of 1973, Chapter 322, created the office of a criminal investigator for the attorney general for the nineteenth judicial circuit, which included Morgan County. The act provided for the appointment, qualifications and payment of salary and defined the duties of the criminal investigator.

#### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1951, Chapter 86, authorized and set the compensation of the secretary for the chancellor of the second chancery division, which contained Morgan County, at \$1,800 per annum. This act was amended by Public Acts of 1963, Chapter 332, so as to increase the compensation to \$3,000 per annum.
2. Public Acts of 1963, Chapter 340, authorized a secretary for the circuit judge of the nineteenth judicial circuit, which contained Morgan County, and set the salary at \$3,000 per annum.

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