

CHANCERY & CIRCUIT COURT JURISDICTION

Chancery Court jurisdiction may be divided into i) *Equitable* or Inherent and ii) *Statutory*. As Gibson's states, Equitable jurisdiction "is to include all of those matters, whether purely equitable in their nature or having characteristics both equitable or legal, jurisdiction over which is derived exclusively or chiefly from their inherent or original powers as Courts of Equity; and [Statutory] to include all of those matters, whether equitable in their characteristics or purely legal in their nature, jurisdiction over which is derived exclusively or chiefly from our statutes." [Gibson's Suits In Chancery, 5th Ed., p.24.]

See Gibson's at page 26 for a statement of Chancery's *inherent* jurisdiction. Listed are 33 areas. [Gibson's Suits In Chancery, 5th Ed., pp 26-28.]

THE MAXIMS AND PRINCIPLES OF JURISDICTION AND ADJUDICATION:

Maxims of Jurisdiction: [Gibson's Suits In Chancery, 5th Ed., p. 50.]

1. Equity acts upon the person, (forcing him to do what conscience requires).
2. Equity will not suffer a wrong without a remedy.
3. Equity acts specifically, and not by way of compensation.
4. When parties are disabled to act the Chancery Court will act for them.
5. When Chancery has jurisdiction for one purpose, it will take jurisdiction for all purposes.
6. The Chancery Court never loses its jurisdiction by implication.
7. Equity delights to do complete justice, and not by halves.
8. He who seeks equity must do equity.
9. Courts of equity will not tolerate any interference with their officers, process or decrees, by the court of law.

Maxims of Adjudication: "The Twelve Tables of Equity" [Gibson's Suits In Chancery, 5th Ed., p. 62.]

1. Equity acts upon the person, (forcing him to do what conscience requires).
2. Equity will not suffer a wrong without a remedy.
3. Equity imputes an intention to fulfill an obligation.
4. Equity acts specifically, and not by way of compensation.
5. Equity regards that as done which ought to be done.
6. Equity requires him who seeks equity to do equity.
7. Equity regards the beneficiary as the real owner.
8. Equity delights to do complete justice, and not by halves.
9. Equity acts for those disabled to act for themselves.
10. Equity looks to the intent rather than to the form.
11. Equity delights in equality.
12. Equity requires diligence, clean hands and good faith.

<u>MATTER</u>	<u>CHANCERY</u>	<u>CIRCUIT</u>
Equity Powers	§16-11-101 §16-11-103	§16-10-111*
*Where objection is made by plea to equitable jurisdiction, matter must be transferred to Chancery Court. Where objection is not taken by plea to equitable jurisdiction, Circuit Court may (i) transfer matter to Chancery Court or (ii) hear upon the principles of a court of equity.		
General Jurisdiction (Law)	§16-11-102 Concurrent*	§16-10-101
*Except for (i) unliquidated damages for injuries to person or character, or (ii) unliquidated damages for injuries to property not resulting from a breach of contract. Where objection is taken by plea to jurisdiction for these exceptions, Chancery Court must transfer to Circuit Court. Where objection is not taken by plea to jurisdiction, Chancery Court may (i) transfer to Circuit Court or (ii) hear upon the principles of a court of law. N. B.: When a court of chancery takes jurisdiction of a case under its inherent jurisdiction it may decide all issues involved in the matter in order to prevent a multiplicity of actions. <i>Industrial Dev. Bd. v. Hancock</i> , 901 S.W.2D 382 (Tenn. Ct. App. 1995).		
Crimes & Misdemeanors	X	§16-10-102 Exclusive
Will Contest	§32-4-109 Concurrent	§16-10-103
Restoration of Citizenship to Persons Rendered Infamous	X	§16-10-104 Exclusive
Arbitration Awards	§16-11-112 Concurrent	§16-10-105
Debts & Demands on Contract	§16-11-102*	§16-10-106*
*Concurrent with General Sessions Court, but not less than \$50. See also §16-16-112.		
Name Change-Legitimation	§16-10-107 Concurrent	§16-10-107 Concurrent
Divorce-Adoption	§16-11-110 Concurrent	§16-10-108 Concurrent
Partition & Sale of Property	§16-11-111 §29-27-106	§16-10-109 Concurrent
Appointment & Removal of Trustees	§35-1-101* Exclusive	
*Chancery and other courts having probate jurisdiction which could include Circuit in some jurisdictions.		

MATTER	CHANCERY	CIRCUIT
Abatement of Nuisances	§16-11-101 §16-11-103	§16-10-110 Concurrent
Appellate	X	§16-10-112
Proceedings in Aid of Execution	§16-11-104 Exclusive	X
Probate	§16-16-201 Exclusive	X
Applications for Homestead *Concurrent with Probate Court.	§30-2-202*	§30-2-202*
To Set Aside Fraudulent Conveyances *The statute does not refer to jurisdiction, but there are cases supporting that such jurisdiction is conferred upon Chancery Courts and not Circuit Courts.	§29-12-101*	
Election Contests *Chancery has jurisdiction “except as otherwise expressly provided in [Title 2, Chapter 17]” Thus, Circuit Court has jurisdiction over contests for: offices of general assembly members [T.C.A. 2-17-102]; presidential and vice-presidential electors [T.C.A. 2-17-103]; primary elections [T.C.A. 2-17-104]. Jurisdiction for gubernatorial elections is granted to the general assembly [T.C.A. 2-18-101].	§2-17-101*	§2-17-101*
Condemnation & Reverse Condemnation *The statute does not refer to jurisdiction, but there are cases supporting that such jurisdiction is conferred upon Circuit Courts and not Chancery Courts.		§29-16-123*
Governmental Tort Liability Act *However, to its jurisdictional monetary limit, General Sessions has concurrent jurisdiction in counties with more than 600,000 population.	X	§29-20-307 Exclusive*
Worker’s Compensation Actions & Settlements *Can be heard in Criminal Court as well.	§50-6-225* §50-6-206* Concurrent	§50-6-225* §50-6-206* Concurrent

<u>MATTER</u>	<u>CHANCERY</u>	<u>CIRCUIT</u>
Review of Tennessee Human Rights Commission Orders	§4-21-307 Concurrent	§4-21-307 Concurrent
Review Orders to Correct Defects in Water Supply or Sewage System	§68-221-106 Exclusive	X
Corporate Dissolution	§48-24-301 Concurrent	§48-24-301 Concurrent
Judicial Appraisal of Dissenter's Shares in Corporation	§48-23-301	§16-10-111 Concurrent*
*While it may be argued Circuit Court may have concurrent jurisdiction pursuant to this statute, bear in mind that where objection is made by plea to equitable jurisdiction, matter must be transferred to Chancery Court. Where objection is not taken by plea to equitable jurisdiction, Circuit Court may (i) transfer matter to Chancery Court or (ii) hear upon the principles of a court of equity.		
Suits by State Against Corporations	§16-11-105	X①
① Does jurisdiction exist for Circuit Court through T.C.A. §16-10-111, whereby Circuit Court has power to perform functions of Chancery Court in “any suit of an equitable nature”? As this matter historically is not “of an equitable nature”, argument can be made that Circuit Court has no concurrent jurisdiction in this matter. But see <u>Burks v. Gobble</u> , 21 TAM 36-17 (Tenn. App., M.S., Todd, 1996.) wherein court held that if there is no objection, circuit court has jurisdiction in boundary disputes. Logic of allowing agreed jurisdiction in §16-11-106 may apply here as well.		
Boundary Disputes	§16-11-106	X①
① Does jurisdiction exist for Circuit Court through T.C.A. §16-10-111, whereby Circuit Court has power to perform functions of Chancery Court in “any suit of an equitable nature”? As this matter historically is not “of an equitable nature”, argument can be made that Circuit Court has no concurrent jurisdiction in this matter. But see <u>Burks v. Gobble</u> , 21 TAM 36-17 (Tenn. App., M.S., Todd, 1996.) wherein court held that <i>if there is no objection</i> , circuit court has jurisdiction here as well. Logic of allowing agreed jurisdiction in §16-11-106 may apply here as well.		
[NB: Under this statute Plaintiff has only to prove Plaintiff is the true owner of Blackacre. If however, Plaintiff proceeds in ejectment, Plaintiff must show a complete derangement of title from the state or a common source of title.		
Suits on Foreign Judgments	§16-11-107	X①
① Does jurisdiction exist for Circuit Court through T.C.A. §16-10-111, whereby Circuit Court has power to perform functions of Chancery Court in “any suit of an equitable nature”? As this matter historically is not “of an equitable nature”, argument can be made that Circuit Court has no concurrent jurisdiction in this matter. But see <u>Burks v. Gobble</u> , 21 TAM 36-17 (Tenn. App., M.S., Todd, 1996.) wherein court held that if there is no objection, circuit court has jurisdiction in boundary disputes. Logic of allowing agreed jurisdiction in §16-11-106 may apply here as well.		

MATTER

CHANCERY

CIRCUIT

Persons of Unsound Minds

§16-11-108

X①

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Infants and Guardians

§16-11-109

X①

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Appointment of Administrator of
Decedent’s Estate

§16-11-113

X①

§30-1-301

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Handgun Carry Permits

§39-17-1354

Judicial review of Department of Safety final determination following a hearing under §39-17-1353 as to revocation or suspension of permit.

Claims against estates

§30-2-314

§30-2-314

In estates for persons dying on or before 12.31.97, claims with a jury demand must be certified to Circuit court. In estates for persons dying on or after 01.01.98, if the probate court is one of record, the probate court has concurrent jurisdiction with the circuit court even as to claims with a jury demand. [T.C.A. §30-2-314(e).]

Uniform Residential Landlord & Tenant Act (URLTA) X

§68-28-105(a)*

*Grants general sessions and circuit courts original jurisdiction over any landlord or tenant with respect to any conduct governed by URLTA. See also *Woods v. MTC Management*, 23 TAM 17-1, 4/20/98.

ITEMS CURRENTLY BEING RESEARCHED:

Zoning Appeals

Administrative Procedures Appeals	§4-5-322 §4-5-316
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Beer Board Appeals

Credit Union Board of Appeals Review	§45-4-1113	§45-4-1113
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City of Chattanooga Employee
Pension Board Appeals

Review of Apportionment by County Legislative Bodies	§5-1-111
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Cosmetologists: Injunctions of Violations	§62-4-129 Concurrent	§62-4-129 Concurrent
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Enjoin Debt Adjusters	§39-14-142 Concurrent	§39-14-142 Concurrent
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Preferences in Rehabilitation and Liquidation of Insurance Companies *Chancery Court of Davidson County?	§56-9-317*
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