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

1. Private Acts of 1911, Chapter 225, created a board of jury commissioners in the counties of Monroe, McMinn and Roane. This act prescribed the duties of the members of said boards and of the circuit judges holding circuit court in said counties in selecting juries to punish violations of this act and provided for jury lists and for jury boxes to be kept in each county affected by this act.
2. Private Acts of 1923, Chapter 261, regulated the service of jurors and made it unlawful to serve as a juror more than one time in each period of two years, whether on the original panel or to fill a vacancy in Monroe County.
3. Private Acts of 1925, Chapter 521, created a board of jury commissioners for Monroe, Blount, McMinn, Roane, Bradley, Polk and Loudon counties. The act provided for the selection of juries; prescribed the duties of the members of the jury board of the circuit and criminal judges; provided punishment for violators of the act and provided for jury lists and jury boxes in each the said counties. This act was amended by Private Acts of 1927, Chapter 285, which removed Loudon County from the operation of the terms of that act.
4. Private Acts of 1931, Chapter 556, created a three member board of jury commissioners in Monroe County; prescribed the duties of the members of the board; punished those two who violated this act; provided for jury lists and jury boxes and repealed all laws in conflict with the act.
5. Private Acts of 1955, Chapter 166, provided that in Monroe County the jury commissioners be paid \$10 per day plus the same amount of mileage then allowed to jurors, for each and every day spent in the performance of their duties hereunder.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Monroe County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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, Section 8, provided that the judges of the supreme court hold the chancery courts of Monroe, Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell and McMinn counties on the first Monday in June and December.
2. Public Acts of 1827, Chapter 88, Section 3, stated that the chancellors of the eastern district hold the chancery court at Greenville, Rogersville, Carthage, McMinnville and at Kingston on the first Monday in June and December for the counties of Monroe, Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn.
3. Private Acts of 1831, Chapter 217 Section 4, provided that the chancellor of the eastern division hold a court at Madisonville in Monroe County on the first Monday in April and October of each year which terms could be continued for two weeks, if necessary. The court at Madisonville entertained cases from the counties of Monroe, McMinn and Blount. The clerk and master at Kingsport made the transfer of the necessary records.
4. Public Acts of 1832, Chapter 19, set the time for holding the chancery court at Madisonville, in Monroe County on the fourth Monday in May and November.
5. Public Acts of 1835-36, Chapter 4, placed the Monroe County Chancery Court in the ninth chancery district of the eastern division. The time for holding said court was set on third Monday of June and December at Madisonville.
6. Acts of 1837-38, Chapter 116, Section 12, rescheduled the terms of the chancery court at Madisonville to the third Monday in March and September.
7. Acts of 1853-54, Chapter 54, created five chancery divisions in Tennessee composed of the courts of Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta and Livingston, and the counties associated with these courts.
8. Acts of 1853-54, Chapter 55, Section 4, established a schedule for the opening dates of the chancery courts in the eastern division of the state. The time for holding said court at Madisonville in Monroe County was set on the first Monday in June and December.

9. Public Acts of 1857-58, Chapter 88, divided Tennessee into the eastern, middle, western, fourth, fifth and sixth chancery divisions. Monroe County was placed in the fifth chancery division and held said court on the first Mondays in June and December at Madisonville.
10. Public Acts of 1865, Chapter 7, formed the eighth chancery division in Tennessee composed of the counties of Monroe, Sevier, Blount, Roane, Knox, Anderson and McMinn. A chancellor was appointed, or elected, to hold the court in this division, who had the same powers and jurisdiction as other chancellors. The present chancellor continued to hold the courts until his successor was named or elected.
11. Public Acts of 1865, Chapter 14, set the opening dates for the chancery court terms in the eighth chancery division. The time for holding said court in Monroe County was set to the first Monday in June and December.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 32, organized Tennessee into twelve chancery divisions and assigned the counties of Monroe, Knox, Sevier, Campbell, Union, Anderson, Roane, Blount, Scott, Morgan, Fentress and Christiana to the second chancery division.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 47, placed Monroe County in the second chancery division and set the time for holding said court on the first Monday in June and December.
14. Public Acts of 1870-71, Chapter 56, abolished the chancery court at Madisonville in Monroe County and detached the county from the second chancery division and attached it to the third chancery division. All records were transferred to Athens in McMinn County and the said counties of Monroe and McMinn constituted one chancery district. All process outstanding or to be issued, were made to conform to the above changes. This act was repealed by Public Acts of 1871, Chapter 28.
15. Public Acts of 1871, Chapter 28, re-established the chancery court at Madisonville in Monroe County into a separate chancery district, which was attached to the third chancery division.
16. Public Acts of 1871, Chapter 71, set the time for holding the chancery court at Madisonville to begin on the first Monday in March, 1872, and thereafter on the first Monday in June and December of each year.
17. Public Acts of 1883, Chapter 34, rescheduled the terms of the Monroe County Chancery Court to the first Monday in June and December.
18. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven chancery divisions. The third chancery division was composed of the counties of Monroe, Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee and Grundy. The time for holding said court in Monroe County was set on the first Mondays in June and December.
19. Public Acts of 1887, Chapter 13, reset the opening dates of the chancery court terms for the counties in the third chancery division. The time for holding said court in Monroe County was set to the third Monday in February and August.
20. Public Acts of 1889, Chapter 13, set the time for holding the chancery courts in the third chancery division. The time for holding the Monroe County Chancery Court was set on the first Monday in June and December.
21. Public Acts of 1899, Chapter 427, placed Monroe County in the third chancery division along with the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Polk, Meigs and Hamilton. The time for holding said court in Monroe County was set on the first Monday in June and December.
22. Private Acts of 1911, Chapter 435, created the twelfth chancery division composed of the counties of Monroe, Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Polk and Meigs. Hamilton County constituted the third chancery division. The governor appointed a chancellor for the new division to serve until his successor was elected at the first general election. The clerks and masters of the old courts continued in office, but the new chancellor was required to fill any vacancies which might occur.
23. Public Acts of 1931(2nd Ex. Sess.), Chapter 38, completely reorganized the entire lower court system of the state. The twelfth chancery division consisted of the counties of Monroe, Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee and Franklin. The time for holding said court in Monroe County was set on the first Monday in June and December.

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

The reference list below contains an act which once applied to the clerk and master in Monroe County.

1. Private Acts of 1923, Chapter 630, set the annual salary of the clerk and master of Monroe County at \$1,200, provided the clerk and master filed by January 1 of each year a sworn, itemized statement with the county judge or chairman, showing the total amount of fees collected in the office. If the fees were less than the salary the county was obligated to make up the difference, but if the fees exceeded the salary the clerk and master had to pay the excess into the county treasury. This act was repealed by Private Acts of 1927, Chapter 18.

### **Circuit Court**

The following acts were once applicable to the circuit court of Monroe 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. Private Acts of 1820, Chapter 114, authorized the judge of the seventh judicial circuit to adjourn the circuit court of Monroe County from the house of William Dixon to any other house in the county deemed to be suitable for holding the court. The justices were given the same authority concerning the court of pleas and quarter sessions of the county. All process was made to conform to any move which might take place.
2. Private Acts of 1821, Chapter 144, provided that the county court of Monroe County be held on the third Monday of December, March, June and September and could set for six juridical days, if needed. The justices could adjourn to some other place in the county and remove the clerk's office there or they could leave it at the house of William Blair. All the above was also extended to the judge of the seventh judicial circuit, making all process conform to any move which might take place.
3. Private Acts of 1825, Chapter 88, moved the circuit court and the county court, then being held at the house of David Caldwell, in Monroe County, to the Town of Tellico.
4. Private Acts of 1826, Chapter 4, concerned the court of pleas and quarter sessions which was required to meet at the courthouse in Tellico for the trial of civil cases. All jurors to be summoned for that court and the circuit court reported to the courthouse in Tellico.
5. Private Acts of 1827, Chapter 5, set the time for holding the Monroe County Circuit Court on the first Monday in May and November.
6. Public Acts of 1829-30, Chapter 3, changed the opening dates for the terms of the Monroe County Circuit Court to the second Monday in May and November.
7. Public Acts of 1835-36, Chapter 5, placed the Monroe County Circuit Court in the third judicial circuit along with the counties of Roane, Rhea, Meigs, Bledsoe, Marion, Hamilton and McMinn. The time for holding said court in Monroe County was set on the fourth Monday in April, August and December.
8. Private Acts of 1835-36, Chapter 41, provided that the circuit courts for the counties of Monroe, Roane, Rhea, Bledsoe, Marion, Hamilton and McMinn be held at the times prescribed by the existing law but after that term these courts were held at the times established by Public Acts of 1835-36, Chapter 5.
9. Acts of 1837-38, Chapter 3, took Monroe County out the third judicial circuit and placed it in the second circuit. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
10. Public Acts of 1857-58, Chapter 98, placed Monroe County in the third judicial circuit along with Blount, Knox, Roane and Anderson counties. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 31, placed Monroe County in the third judicial circuit along with the counties of Morgan, Anderson, Knox, Roane, Cumberland, Fentress, Blount and Christiana.
12. Public Acts of 1869-70, (2nd Sess.), Chapter 46, placed Monroe County in the third judicial circuit and set the time for holding said court on the second Monday in January, May and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen judicial circuits. The counties of Monroe, Blount, Loudon, Roane, Morgan and Scott were assigned to the third judicial circuit. The time for holding said court in Monroe County was set on the second Monday in January, May and September.
14. Public Acts of 1889, Chapter 35, created the seventeenth judicial circuit out of the third and fourth judicial circuits. The new circuit was composed of the counties of Monroe, Bradley, James, McMinn, Meigs and Polk. The governor was required to appoint a judge and attorneygeneral for

the new circuit who served in their respective positions until their successors could be elected at the next general election. The court in Monroe County opened for regular term on the third Monday in January, May, September, and all the clerks of the courts in the affected counties made arrangements for an orderly transition of cases and records.

15. Public Acts of 1899, Chapter 427, provided for fourteen judicial circuits and assigned the counties of Monroe, Bradley, Polk, Meigs, McMinn, James, Loudon, Roane and Blount to the fourth judicial circuit. The Monroe County Circuit Court was scheduled for the third Monday in April, August and December. This act was amended by Private Acts of 1901, Chapter 413, so as to change the opening dates for the terms of the circuit court for the counties in the fourth judicial circuit. The time for holding the Monroe County Circuit Court was set on the fourth Monday of January, May and September.
16. Acts of 1903, Chapter 354, changed circuit court terms in the fourth judicial circuit. The time for holding the Monroe County Circuit Court was set on the third Monday in January, May and September.
17. Private Acts of 1923, Chapter 537, rearranged the schedule of circuit court terms for the counties in the fourth judicial circuit but did not alter Monroe County's schedule.
18. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, set up twenty judicial circuits in this total rearrangement of the lower state judicial organization. The fourth judicial circuit contained the counties of Monroe, Bradley, Roane, Blount, Loudon, McMinn and Polk. The time for holding said court in Monroe County was set on the fourth Monday in March, July and November.
19. Public Acts of 1965, Chapter 188, placed Monroe County in the twenty-fourth judicial circuit along with Bradley and McMinn counties. The time for holding said court in Monroe County was set for the fourth Monday in March and the third Monday in May, July and November.

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

The following acts have no current effect, but once applied to the Monroe 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 1829-30, Chapter 90, authorized John B. Tipton, clerk of the circuit court, and William S. Blair, clerk of the county court, to build a clerk's office at their own expense upon such part of the public square in Tellico in Monroe County as was designated by the county court, which office would, upon the death, resignation, or removal of the clerk, be entitled to the same privilege of being sold, or of being retained as was given to the circuit court clerk of Campbell County, heretofore.
2. Acts of 1903, Chapter 255, set the salary of the circuit court clerk of Monroe County at \$750 per year under this act. This act was amended by Private Acts of 1919, Chapter 245, by excepting the fees received by the circuit court clerk in Monroe County for transcripts from those to be reported to the county judge or county court, as a basis for salary determination. This act then proceeded to set up a new scale of salaries per year for the clerks. The salary of the circuit court clerk was set at \$1,000, provided still that the circuit clerk file a sworn itemized statement with the county judge or chairman, showing the number of fees collected, except the transcript fees, which fees composed the salary of the clerk up to the amount stated, and the excess, if any, was paid in as revenue. Private Acts of 1927, Chapter 144, amended Private Acts of 1919, Chapter 245, by increasing the annual salary of the circuit court clerk of Monroe County from \$1,000 to \$1,500 per annum.
3. Private Acts of 1939, Chapter 580, allowed the circuit court clerk of Monroe County to employ a deputy or a clerk to assist him in the performance of his duties at a salary of \$50 per month, payable on the warrant of the county judge out of regular county funds. This act became effective on September 1, 1938, in order to reimburse the clerk for funds already spent for this purpose.
4. Private Acts of 1949, Chapter 907, set the annual salary of the clerks of the circuit court and the criminal court of Monroe County at \$3,600 per year, payable in equal in monthly installments on the first day of each month out of county funds. All fees collected in the office of either clerk were declared the property of the county and were paid into the treasury for all of which the clerks were responsible.

#### **Criminal Court**

The following acts once pertained to the Monroe County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Monroe County Criminal Court

on the second Monday in January, May and September.

2. Public Acts of 1899, Chapter 427, set the time for holding the Monroe County Criminal Court on the third Monday in April, August and December.
3. Private Acts of 1925, Chapter 58, created a criminal court in the fourth judicial circuit for the counties of Monroe, Blount, Loudon, Roane, McMinn, Bradley and Polk. Said court was held in Monroe County at Madisonville beginning on the second Mondays in March, July and November.
4. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, provided for the criminal courts of the fourth judicial circuit which included the counties of Bradley, Roane, Loudon, Blount, McMinn, Polk and Monroe in which county the terms of the criminal court would begin on the first Monday in January, May and September.

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

The following acts once affecting Monroe 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. Public Acts of 1939, Chapter 228, created the position of criminal investigator for the fourth judicial circuit to which Monroe County was assigned at that time.
2. Public Acts of 1965, Chapter 188, authorized the district attorney general of the twentyfourth judicial circuit, which included Monroe County, to appoint two persons as assistant attorneys general or appoint one assistant district attorney general and one criminal investigator. Each of said assistants and/or criminal investigators received an annual salary of \$4,800.
3. Public Acts of 1967, Chapter 385, created the office of an additional assistant district attorney general for the twenty-fourth judicial circuit, which included Monroe County. The said assistant attorney general received a salary of \$4,800 per annum.
4. Public Acts of 1977, Chapter 356, created an additional office of criminal investigator for the district attorney general of the twenty-fourth circuit, which include Monroe County.

#### **Juvenile Court**

The following acts once affecting juvenile courts in Monroe County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1980, Chapter 287, established a juvenile court in Monroe County; provided for the election, compensation, duties and powers of the judge of the juvenile court; provided for the qualifications of the juvenile judge; and permitted the juvenile judge to practice law in certain courts. This act was amended by Private Acts of 1982, Chapter 257, so as to continue the existence of a juvenile court in Monroe County and provided for the election of the judge of the juvenile court. Private Acts of 1980, Chapter 287, was repealed by Private Acts of 1990, Chapter 159.
2. Private Acts of 1981, Chapter 35, would have provided that Monroe County exercise concurrent jurisdiction under Tennessee Code Annotated, title 37, and all other similar laws with the juvenile court of Monroe County and to have repealed Private Acts of 1980, Chapter 287, however, this act was not ratified by Monroe County and never became law.
3. Private Acts of 1981, Chapter 115, would have provided that Monroe County exercise concurrent jurisdiction under Tennessee Code Annotated, title 37, and all other similar laws with the juvenile court of Monroe County and to have repealed Private Acts of 1980, Chapter 287, however, this act was not ratified by Monroe County and never became law.

#### **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 1963, Chapter 231 created the position of secretary to the judge of the fourth judicial circuit, which included Monroe County, at an annual salary of \$2,400.
2. Public Acts of 1965, Chapter 188, Section 7, provided for a secretary in the newly created twenty-fourth judicial circuit, which included Monroe County, who was to be paid \$3,000 per year.

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