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# Chapter V - Court System

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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

### Board of Jury Commissioners - Jurors

### Grand Jury Clerk

### Private Acs of 1997 Chapter 80

**SECTION 1.** (a) The Legislative Body of Giles County may by resolution authorize the foreman of the Grand Jury to appoint a part-time Clerk of the Giles County Grand Jury to handle the administrative duties for such Grand Jury. The County Legislative Body is further authorized to compensate such Clerk at a rate which is equal to the compensation paid to the guard of the Grand Jury.

(b) The Clerk shall be appointed by and serve at the pleasure of the Foreman of the Grand Jury. The duties of the Clerk shall be established by the foreman and approved by the County Legislative Body. Provided, however, at no time shall the Clerk be a part of nor be involved in the deliberations of the Grand Jury.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Giles County. Its approval or nonapproval shall be proclaimed by the Presiding Officer of the County Legislative Body and certified to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: May 29, 1997.

### Chancery Court (Probate Jurisdiction)

### Private Acts of 2004 Chapter 123

AN ACT relative to transferring duties of the Probate Court in Giles County to the Chancery Court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** The Chancery Court for Giles County is hereby designated Probate Court of Giles County. The Clerk and Master for Giles County is hereby granted all statutory powers when Chancery Court is exercising probate jurisdiction. Effective July 1, 2004, the books, records, accounts, papers and documents pertaining to probate matters shall be filed with the Clerk and Master who shall have and perform the statutory functions with respect to probate jurisdiction from that date forward.

The General Sessions Court shall retain probate jurisdiction over all probate matters pending in that court on June 30, 2004, until their conclusion.

**SECTION 2.** All laws or parts of laws in conflict herewith are hereby deleted in their entirety.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Giles County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on July 1, 2004, provided that it is approved as required by Section 3.

PASSED: May 13, 2004

## Court System - Historical Notes

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

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

1. Private Acts of 1809, Chapter 93, sets the date for holding the Court of Pleas and Quarter Sessions in Giles County and grants the authority to the court to appoint 13 jurors for each

operating court in the county.

2. Private Acts of 1817, Chapter 128, gave several counties the authority, including Giles County, to levy a tax for the purpose of raising money to pay jurors additional pay which was not to exceed fifty cents per day.
3. Private Acts of 1819, Chapter 62, made it lawful for the county courts of Davidson, Sumner, Williamson, Giles, Rutherford, and Maury counties to appoint 37 jurors for each county for the circuit and county courts who would be paid at the same rate as was allowed by law for other jurors.
4. Private Acts of 1911, Chapter 376, created a Board of Jury Commissioners for Giles County, defined the qualifications, the method of appointment and the duties of the commissioners; provided for jury lists, jury boxes, and the selection of juries; prescribed the duties of the Judges involved in the process; provided for a Clerk for the Board and the compensation of the clerk and members of the Board; prescribed the manner of drawing and impaneling the juries and the penalties to punish those in violation of this Act. This Act was repealed by a general repealing clause contained in Private Acts of 1927, Chapter 667, which established another Board of Jury Commissioners for Giles County.
5. Private Acts of 1927, Chapter 667, Chapter 2158, provided for a Board of Jury Commissioners consisting of 3 freeholders, not attorneys, state or county officers, Justices of the Peace, Constables, Deputy Sheriffs, or have litigation pending, appointed by the Judges of the Circuit or Criminal Courts; Circuit Court Clerk would act as Clerk for the Board. The Board would select from the tax rolls a list of names numbering one-third of the total votes cast in the last general election. They must not have served for one year preceding. All jurors and juries would be drawn from this list and the circumstances under which they might be excused are written down. Provisions for renewing the lists and for the punishment of those who violate the Act are set out therein. This Act was superseded and impliedly repealed by Private Acts of 1951, Chapter 445, .
6. Private Acts of 1937, Chapter 209, provided judges having criminal court jurisdiction in the 11th Judicial Circuit, which included Giles County, with authority to appoint Minute Clerks of the Grand Juries in the respective counties of their jurisdictions, the same to serve for a period of two years and be appointed at the same time as the foreman of the Grand Jury was appointed.
7. Private Acts of 1945, Chapter 598, authorized regular and tales jurymen to receive \$3.00 daily for each day served as a juror, the tales jurymen to be paid likewise even if they served only one day, all to come out of the general county funds.
8. Private Acts of 1951, Chapter 445, created a board of jury commissioners for Giles County. This act defined the method of appointment, qualifications, and duties of said commissioners. Private Acts of 1951, Chapter 445, also provided for the selection of juries, the jury list, and jury boxes which were to be kept in the county. This Act and its amendments have both been repealed and superseded by state law.
9. Private Acts of 1953, Chapter 135, amended Chapter 445, Private Acts of 1951, in Section 21 by raising the daily pay of the foreman and clerk of the Grand Jury to \$8.00 per day. The 1951 Act and this amendment have both been repealed and superseded by state law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Giles 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. Public Acts of 1822 (Ex. Sess.), Chapter 13, specifies that the justice of the Supreme Court will hold Chancery Court at least once a year in the places designated in the act. It is believed that equity cases from Giles County would have been tried at the court in Columbia, in Maury County on the second Monday in December.
2. Public Acts of 1824 (Ex. Sess.), Chapter 14, added two more Justices to the Supreme Court to be appointed by the Legislature and directed that equity courts be held twice a year in all counties. The clerk of the Supreme Court would act as Clerk and Master. The court at Columbia for the counties of Maury, Bedford, Lincoln, Giles, Lawrence, Wayne and Hardin would be held as specified.
3. Public Acts of 1827, Chapter 79, repealed all prior legislation on chancery courts. Two chancellors would be appointed by the General Assembly and the state was divided into the Eastern and Western Divisions. Court would be held at Rogersville, Greenville, Kingston, Carthage, and McMinnville in the Eastern Division and at Franklin, Columbia, Charlotte, Jackson and Paris in the Western Division.

4. Private Acts of 1831, Chapter 57, organized a chancery court for Pulaski which included also Lincoln, Lawrence, Wayne and Hardin Counties in the division. Court would begin on the second Monday in April and October and continue until the business of the court was completed.
5. Public Acts of 1835, Chapter 4, divided Tennessee into three chancery divisions. Court terms for Giles and Lawrence Counties in the 9th District of the Middle Division would commence at Pulaski on the first Monday in March and September.
6. Private Acts of 1851-52, Chapter 178, sets the court times for the chancery court in the Middle Tennessee Division. Court would start in Pulaski on the third Monday in February and August.
7. Private Acts of 1853-54, Chapter 55, Section 7, changed the court terms for the chancery court in Pulaski to the fourth Monday in May and November.
8. Private Acts of 1855-56, Chapter 150, Section 6, changed the court days for Giles County chancery court to the first Monday in March and September.
9. Private Acts of 1857-58, Chapter 88, made some changes in the Middle Division of the Chancery Court but the court at Pulaski remained as it was on the first Monday in March and September.
10. Private Acts of 1867-68, Chapter 64, added Hickman and Lawrence counties to the Fourth Chancery Division along with Giles, Maury, Williamson, and Marshall Counties, court terms for Giles remaining as they were. Chapter 67, the same year, changed the starting dates of the Giles County Chancery Court to the first Monday in May and November.
11. Public Acts of 1870, Chapter 32, divided Tennessee into 12 Chancery Districts. The 8th District was composed of Williamson, Maury, Marshall and Giles counties.
12. Private Acts of 1870, Chapter 47, set the terms for the chancery court on the third Monday in February and September.
13. Private Acts of 1870, (3rd Ex. Sess.), Chapter 55, changed court days for the chancery court in Giles County to the third Monday in February and the first Monday in September.
14. Private Acts of 1885 (Ex. Sess.), Chapter 20, placed Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton in the Seventh Chancery Division of the state but did not change the court terms for Giles County.
15. Private Acts of 1887, Chapter 5, changed court times in the Seventh Chancery Division. Giles court terms would start on the first Monday in February and the second Monday in August.
16. Private Acts of 1891, Chapter 230, changed the time for chancery court in Giles County to the first Mondays in February and July by amending the 1887 Act, above.
17. Public Acts of 1899, Chapter 427, reorganized the judicial structure of the State into ten chancery divisions. Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis and Wayne made up the Fifth Division. Court terms in Giles were on the first Mondays in May and November.
18. Private Acts of 1901, Chapter 494, changed the chancery court terms in the Fifth Chancery Division. Giles County terms would start on the fourth Monday in March and September.
19. Private Acts of 1915, Chapter 156, provided that the Circuit Judge who held the circuit court for Giles County would be vested with all the power and authority to discharge all the duties of a chancellor concurrently with the chancellor holding that court, and additional court terms would be held on the third Monday in January, the fourth Monday in April, and the second Monday in October, court to continue until the docket was finished.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, separated the state into 14 chancery divisions with Rutherford, Marshall, Bedford, Moore, Lincoln, Maury and Lawrence counties constituting the Fifth Division. Court days for Giles County were the fourth Mondays in March and September.
21. Public Acts of 1945, Chapter 12, Section 1, had Rutherford, Marshall, Bedford, Moore, Lincoln, Maury, Lawrence and Giles in the Fifth Chancery Division. Court terms begin on the third Monday in January and July for Giles.

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

The following act once applied to the clerk and master in Giles County.

1. Private Acts of 1943, Chapter 87, fixed the salary of the Clerk and Master of Giles County at \$3,600 annually if a sworn, itemized statement is filed with the County Judge on April 1, showing the amount of fees received, excluding those for transcripts of records and those received as Trustee, Receiver, Special Commissioner or such. If the fees were less than the salary the difference would be made up by the county which would also purchase all the supplies and

materials needed by his office, but if the fees were over the salary, he could retain them. He could hire deputies but their salary must be paid out of his compensation.

### **Circuit Court**

The following acts were once applicable to the circuit court of Giles 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 1809, Chapter 49, divides Tennessee into five judicial circuits. Giles, Davidson, Wilson, Rutherford, Williamson, Maury, Lincoln and Bedford counties compose the Fourth Judicial Circuit. This act also sets up some procedural rules for conducting the courts and to perfect appeals therefrom. Court terms for Giles would begin on the second Monday of June and December.
2. Private Acts of 1812, Chapter 71, Section 2, changed the starting dates for the terms of the circuit court in Giles County to the second Monday in April and October.
3. Private Acts of 1812 (Ex. Sess.), Chapter 58, changed circuit court terms in several counties but left Giles County's terms starting on the second Monday in April and October.
4. Private Acts of 1817, Chapter 65, created a new 6th Judicial Circuit composed of Lincoln, Giles, Maury, Bedford and Lawrence counties. The 9th Solicitorial District had Maury, Lawrence, Hickman and Giles in it. Chapter 138, same year, changed court times in the 6th Judicial Circuit with Giles County being held on the first Monday in March and September.
5. Private Acts of 1829 (Ex. Sess.), Chapter 89, provided that Circuit Court would be held at Pulaski for Giles County on the First Monday in February and August.
6. Public Acts of 1835, Chapter 5, created new judicial circuits for the state. The 8th was composed of Lincoln, Giles, Maury and Lawrence counties. Court terms would start on the third Monday in February and the fourth Mondays of June, and October, Circuit Court being held three times annually by virtue of this Act.
7. Private Acts of 1837-38, Chapter 116, Section 4, placed Giles County in the 8th Judicial Circuit and set court terms to begin on the third Monday in February, June and October. Chapter 296, Section 1, same year is identically the same legislation.
8. Private Acts of 1840-41, Chapter 119, Section 2, changed the times for holding the circuit court to the first Monday in April, August and December.
9. Private Acts of 1845-46, Chapter 21, Section 7, altered some of the court terms in the 8th Judicial Circuit but did not change Giles County. Chapter 39, same year, is identical legislation enacted and passed also for some unclear reason.
10. Private Acts of 1853-54, Chapter 55, Section 7, set the dates for circuit court terms in Giles County on the fourth Monday of February, June and October.
11. Private Acts of 1855-56, Chapter 150, Section 7, set the circuit court terms on the first Mondays in April, August and December.
12. Private Acts of 1857-58, Chapter 98, reorganized the judicial structure of the state into 16 judicial circuits. Maury, Marshall, Lewis and Giles constituted the Eleventh Circuit with no change in Giles' court terms.
13. Private Acts of 1859-60, Chapter 125, provided that there would only be two terms of the Circuit Court per year in Giles County and these would commence on the first Monday in May and November. All process issued 20 days before the term is returnable to that term.
14. Public Acts of 1861, Chapter 49, reduced all circuit court terms to twice a year when reorganizing the state judicial structure. Maury, Marshall, Lewis, and Giles counties were still in the Eleventh Circuit. Court terms began on the fourth Monday of March and September in Giles County.
15. Private Acts of 1865, Chapter 37, added Lawrence County to the Eleventh Judicial Circuit plus those four counties mentioned above.
16. Private Acts of 1870, Chapter 46, set the times for circuit court terms to begin in Giles on the fourth Monday in March, July and November, bringing the court sessions back to three annually.
17. Private Acts of 1879, Chapter 147, recited that John V. Wright, of Maury County, had acted as Judge of the 9th Judicial Circuit in place of Judge W. P. Martin who was ill, that Wright had not been paid for his services and ordered that the state pay him \$1,400 as compensation for his labors in that respect.
18. Private Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into 14 judicial circuits. Maury,

- Giles, Lawrence, Wayne, Hardin, Lewis and Hickman composed the 9th circuit. Court days in Giles were the fourth Mondays in March, July and November.
19. Private Acts of 1887, Chapter 54, changed court times for the circuit courts in the 9th Judicial Circuit. Giles County's fell on the first Monday in April, August and December in Pulaski.
  20. Private Acts of 1893, Chapter 10, changed circuit court times in Giles County to the second Mondays in April, August and December.
  21. Private Acts of 1897, Chapter 322, changed court times in the 9th Judicial Circuit thus moving Giles terms to the second Monday in January and October, and the third Monday in April each year.
  22. Private Acts of 1899, Chapter 409, Section 12, reorganized the 9th Judicial Circuit by placing Maury, Lawrence, Wayne, Hardin, Lewis, Williamson and Giles counties into it and setting Giles court terms to start on the fourth Monday in March, July and November.
  23. Public Acts of 1899, Chapter 427, also changed the judicial structure into 14 circuits. Maury, Giles, Lawrence, Wayne, Lewis, Perry and Hickman counties were assigned to the 11th Judicial Circuit. Giles court days were the second Monday in April, August and December.
  24. Private Acts of 1901, Chapter 382, placed Lawrence, Giles, Lewis, Maury, Hardin and Wayne counties back into the 9th Judicial Circuit. Giles terms of circuit court started on the third Monday in January, the fourth Monday in April, and the second Monday in October.
  25. Private Acts of 1903, Chapter 18, again assigned Lawrence, Lewis, Maury, Hickman, Wayne and Giles counties to the 11th Judicial Circuit. Court terms stayed as set in Item 24.
  26. Public Acts of 1931, (2nd Ex. Sess.) Chapter 38, rezone the whole judicial structure again dividing the state into 20 circuits. Giles, Wayne, Lawrence and Maury composed the 11th Circuit. Only two terms of court for Giles on the third Monday in April and the second Monday in October. The circuit judge of the 11th Circuit was not required to hold any additional terms of the chancery court in Giles or Lawrence counties.
  27. Public Acts of 1939, Chapter 119, appears in the Code as T.C.A. 16-223, the 11th Judicial Circuit, comprised of Giles, Lawrence, Maury and Wayne counties. Court terms in Giles are the fourth Monday in January, the first Monday in May, and the third Monday in October.
  28. Public Acts of 1968, Chapter 467, amends T.C.A. 16-223, by stating that in addition to the regular terms of court, the first Monday of each month shall be a Rule Day of the court and the defendant shall plead or answer then as required by T.C.A. 20-902.
  29. Public Acts of 1969, Chapter 265, amended T.C.A. 16-223 by defining who will be the Senior Judge of the 11th Judicial Circuit and further prescribes some of the duties of that Judge.
  30. Public Acts of 1970, Chapter 513, amends T.C.A. 16-223 by giving the Senior Judge of the 11th Judicial Circuit sole power and authority to appoint court officers for all the courts in that circuit. The court officers shall serve at the Judge's pleasure and be paid according to the court officer's pay scale in other counties.
  31. Public Acts of 1974, Chapter 711, Section One, rearranged the Circuit Court term schedules for the counties of Lawrence, Maury, Wayne and Giles whose Court would begin its regular terms on the fourth Monday in January, the first Monday in May, and the third Monday in October. This act also applied to the Eleventh Judicial Circuit of which Giles was a part, but as of 1984 Judicial Circuits and Chancery Circuits are now referred to as Judicial Districts. Thus, this act has been superseded and repealed by state law.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Giles County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Private Acts of 1903, Chapter 255, was a salary statute which concerned circuit court clerks only but divided them according to the population of the county. According to our 1900 census figures for Giles County, the clerk would have been paid \$1,000 annually for his services.
2. Private Acts of 1921, Chapter 657, fixed the salary of the circuit court clerk in Giles County at \$1,500 annually but he shall file on January 1, of each year, with the County Judge, or chairman, a sworn statement of the amount of fees he has collected of the immediately preceding year. If the fees are less than this amount, the county makes up the difference, but, if the fees are more than that amount, the clerk may keep them for his salary.
3. Private Acts of 1927, Chapter 148, amends Private Acts of 1921, Chapter 657, by revising the salary of the Circuit Court Clerk upwards from \$1,500 to \$2,000 under the same conditions

expressed in that Act.

### **Criminal Court**

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

1. Private Acts of 1871, Chapter 73, established a Criminal Court in Williamson, Maury, Giles and Marshall counties whose jurisdiction would be co-extensive with the boundaries of the respective county. The Circuit Court Clerk would be the Clerk of the court, the Sheriff would wait upon it in the same way as other courts of equal rank, the county court would furnish a venire, and the Attorney General of the circuit would prosecute as normally he did in other counties and jurisdictions. The Giles County Criminal Court would meet in Pulaski on the first Monday in January, May and September.
2. Private Acts of 1877, Chapter 143, repealed the 1871 Act, above, which created the Criminal Courts for these four counties and restored the criminal jurisdiction back to their respective Circuit Courts. The second Monday of each term of the Circuit Court would be the day for taking up the criminal docket in Williamson, Maury and Giles Counties.

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

The following act once affected Giles County but is no longer in effect.

1. Public Acts of 1935, Chapter 151, created the office of Assistant Attorney-General for the 11th Judicial Circuit consisting of Giles, Lawrence, Wayne and Maury counties. He would serve at the pleasure and direction of the Attorney-General of the circuit and be paid at the rate of \$175 per month.

### **General Sessions Court**

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

1. Private Acts of 1967-68, Chapter 275, would have amended Private Acts of 1943, Chapter 186, in the caption by adding a provision for an expense allowance for the Judge and in Section 14 by setting the amount of the expense allowance at \$2,000 per month but this act was not approved by the Quarterly County Court and therefore did not become a law.
2. Private Acts of 1967, Chapter 276, also amended the caption of Private Acts of 1949, Chapter 76, an amendment to the base act, by correcting the language to include provisions for the compensation of the Judge acting as Juvenile Judge. Since the caption of the Act was not included in the typing of it, mention is made here of the said amendment to the caption.

### **Secretarial Assistance**

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

1. Private Acts of 1917, Chapter 56, made women, over the age of 21, in Giles County, eligible for the post of Deputy Clerk and Master, and as deputy in several other county offices, with all the rights, duties, privileges, and obligations generally constituted with the same. Acceptance of employment constituted a waiver of all defenses of coverture, and also estoppel to deny liability for actions taken under this Act in those positions.
2. Private Acts of 1967, Chapter 57, provided that the salaries of the Deputy Tax Assessor, the bookkeeper for the County Highway Department, and the secretary to the County Judge would be fixed by the Quarterly County Court on an annual basis commencing at the April term, 1967, all to be paid out of the general funds of the county.
3. Private Acts of 1967, Chapter 490, repealed specifically Chapter 57, Private Acts of 1967, which is contained in Item Two, above.

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