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Court System - Historical Notes

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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Table of Contents

Court System - Historical Notes	3
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Board of Jury Commissioners - Jurors

1. Acts of 1905, Chapter 235, created a Board of Jury Commissioners in McMinn County. Qualifications for the commissioners included the following: A resident of the county; a householder and freeholder of the county; practicing attorneys were prohibited from service as well as state or county officers; and eligible individuals must be free from suit. Furthermore, the circuit court judge appointed Jury Commissioners. Likewise, only a maximum of two commissioners could belong to the same political party. Terms of office for Commissioners were six (6) years, and vacancies were filled in the same manner as original appointments. The jury roll contained a minimum of 250 to a maximum of 1,500 names. The jury roll was compiled by the Jury Commissioners and was effective for two (2) years. Prospective jurors were selected by lottery not less than ten (10) nor more than fifteen (15) days before the term of the Circuit Court. The lottery was conducted by the Jury Commissioners and afterwards they delivered the list of prospective jurors to the sheriff five (5) days before the term of the Circuit Court for serving summons.
2. Private Acts of 1921, Chapter 11, amended the above Board of Jury Commissioners. The Sheriff's fee was increased to twenty-five cents for summons delivered to jurors. The fee was disbursed from the County Treasury.
3. Private Acts of 1925, Chapter 521, created a Board of Jury Commissioners identified by the 1920 Federal Census. Three members were jointly appointed to four year terms by the Circuit and Criminal Judges. Membership qualifications included no pending suits, no practicing attorneys, no state or county officers. Furthermore, qualifications required that eligible individuals be freeholders, householders, and residents of the county; and not more than two could belong to the same political party. Vacancies were filled in the same manner as original appointments. Another requirement was an oath of office to perform assigned duties. Meetings were held in the Circuit Court Clerk's office on the first Monday in May, 1925 and on the first Monday every two years afterwards. A list of prospective jurors was selected from tax books and other sources. The list contained from 400-800 individuals and was effective for two years. Once the jury list was selected by the Commissioners, jurors were chosen by lottery.
4. Private Acts of 1931, Chapter 556, created a Board of Jury Commissioners in McMinn County, identified by the 1930 Federal Census. The provision was similar to the Private Acts of 1925, Chapter 521, referenced above. This act was amended by Private Acts of 1955, Chapter 233. See Baker v. State, 191 Tenn. 560, 235 S.W.2d 435 (1951).
5. Private Acts of 1955, Chapter 232, created a Board of Jury Commissioners in McMinn County. A jury roll of not less than 400 names was maintained. At least twenty (20) days before the term of the criminal or circuit court forty (40) names were selected by lottery from the jury roll. Next, the jury list selected by lottery was delivered to the sheriff ten (10) days prior to the beginning term of the court for delivery of summons to prospective jurors.
6. Private Acts of 1961, Chapter 179, increased the compensation of jurors to eight dollars (\$8.00) per day and ten cents (10¢) per mile for any juror living more than five (5) miles from Athens.
7. Private Acts of 1975, Chapter 134, was rejected and disapproved by the proper authorities of McMinn County and therefore never became a law under the Home Rule Amendment to the Constitution. The Act provided for the Foreman of the Grand Jury in McMinn County to be paid \$20 for each day served as such, and all members of the Grand Jury other than the foreman were to be paid \$15 for each day served. This Act was to have no effect on any mileage allowance now being paid to jurors under the law.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in McMinn 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 1827, Chapter 88, allowed the chancellor for the Eastern district to hold court biannually at Kingston for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, Monroe and McMinn.
2. Acts of 1837-38, Chapter 116, provided that Chancery Court terms would begin on the second Mondays of April, August and December.
3. Acts of 1843-44, Chapter 201, established a separate chancery district in the County of McMinn

and provided that this court would be held on the first Mondays in March and September of each year.

4. Acts of 1853-54, Chapter 54, placed Blount, Roane, Monroe, McMinn, Polk, Bradley, Rhea, Hamilton, Bledsoe, Marion, Overton and White Counties in the Fifth Chancery Division of the state.
5. Acts of 1871, Chapter 56, provided that McMinn and Monroe Counties would constitute one chancery division and that court would be held in Athens.
6. Private Acts of 1911, Chapter 435, divided the Third Chancery Division, placing McMinn County in the Twelfth Chancery Division, where it remains today.
7. Private Acts of 1915, Chapter 181, set the time for holding Chancery Court in McMinn County on the second Mondays in January and July.
8. Private Acts of 1923, Chapter 394, set the times for holding Chancery Court in McMinn County on the fourth Mondays in March and September.
9. Public Acts of 1953, Chapter 140, set the times for holding Chancery Court in McMinn County on the third Mondays in August and February of each year.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in McMinn County.

1. Private Acts of 1915, Chapter 696, made women over the age of twenty-one eligible to be deputy clerks and masters.
2. Private Acts of 1933, Chapter 863, set the salary of the clerk and master at \$3,000 per annum.
3. Private Acts of 1935, Chapter 47, provided for the appointment of one deputy clerk and master at a monthly salary of \$75 to be paid from the county general fund.

Circuit Court

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

1. Acts of 1821, Chapter 92, provided that the Circuit Court in McMinn would be held in "such house in the town of Calhoun as may best suit the county."
2. Acts of 1837-38, Chapter 116, provided that the Circuit Court in McMinn County would be held on the second Mondays in April, August and December.
3. Acts of 1903, Chapter 354, also provided that Circuit Court in McMinn County would be held on the second Mondays of April, August and December.
4. Private Acts of 1923, Chapter 537, changed the time for holding Circuit Court to the first Mondays in March, July and November.
5. Private Acts of 1925, Chapter 58, was the act which first established a separate criminal court for McMinn and other counties in the Fourth Judicial Circuit.
6. Public Acts of 1971, Chapter 347, changed the times for holding the Circuit Court for the Twenty-Fourth Judicial Circuit (McMinn County) to the first Mondays in February, July, September and November.
7. Public Acts of 1974, Chapter 686, created a new judicial circuit consisting of Bradley County to provide for transfer of cases from the Twenty-Fourth Judicial Circuit (McMinn County) to the new judicial circuit. Circuit Court for the twenty-fourth judicial circuit would meet on the first Mondays in February, July, September and November.

Circuit Court - Clerk

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

1. Acts of 1823, Chapter 68, directed the McMinn County Circuit Court Clerk to move his records from Calhoun to Athens by the third Monday of April, 1823.
2. Acts of 1829-30, Chapter 90, authorized the Circuit Court Clerk, Samuel M. Gnat, to build at his own expense an office in front of his house on the public square in Athens.
3. Acts of 1857-58, Chapter 112, directed the Comptroller of the Treasury to issue a warrant for the amount of \$120 for the benefit of McMinn County, to supply the Court Reports which were burned in the fire at the Circuit Court Clerk's office in Athens in 1853.
4. Private Acts of 1923, Chapter 297, set the annual salary of the Circuit Court Clerk at \$1,500.

Criminal Court

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

1. Private Acts of 1925, Chapter 58, created the Criminal Court Division of the Fourth Judicial Circuit.
2. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, the complete turnover of the lower court system in Tennessee, assigned the counties of Roane, Loudon, Blount, McMinn, Polk, Monroe and Bradley to the Criminal Division of the Fourth Judicial Circuit and set the opening dates of the Court in Cleveland in Bradley County on the third Monday in February, June and October.
3. Public Acts of 1965, Chapter 188, assigned the counties of Bradley, McMinn, Monroe and Polk to the Criminal Court Division of the Twenty-fourth Judicial Circuit.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting McMinn County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals 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 who would 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, empowered the District Attorney General of the Twenty-fourth Judicial Circuit to appoint two (2) suitable persons as Assistant Attorney's General, or one (1) Assistant District Attorney General and one (1) 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 an additional office of Criminal Investigator for the District Attorney General of the Twenty-fourth Judicial Circuit.

Secretarial Assistance

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

1. Public Acts of 1963, Chapter 231, provided for a secretary for the judge of the Fourth Judicial Circuit.

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