



December 25, 2024

Court System - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

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

Table of Contents

Court System - Historical Notes	3
--	----------

Court System - Historical Notes

Board of Jury Commissioner - Jurors

The following acts once affected jurors or boards of jury commissioners in Maury County, but are no longer operative.

1. Acts of 1817, Chapter 128, permitted several counties, including Maury, to levy a tax through their respective county courts in order to pay jurors who attended the county and circuit courts.
2. Private Acts of 1819, Chapter 62, empowered the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint thirty-seven jurors to serve the county and circuit courts of their respective counties.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 45, was a comprehensive act that established a Board of Jury Commissioners for Maury County and set forth rules and procedures for the operation of the Board. The Circuit Court Clerk was to act as Clerk of the Board. The Board was to have three members elected by the Quarterly County Court for terms of three years. The Board would choose between 750 and 1,500 names of upright, intelligent men, known for their integrity, fair character, and sound judgment and would place those names on a jury list. The Clerk was to write each name on a slip of paper and place the slips in a jury box. Both the list and the box were to be maintained in secrecy. Each jury panel was to be selected by the Board arranging, prior to court session, for a child under ten years of age to draw names from the jury box. It was a misdemeanor for any person to solicit his name or another's name to be placed on the jury list. It was a misdemeanor for any sheriff, deputy, Board Clerk, or Board member to reveal the secrets of the Board or the names on the list. It was to be a contempt of court for anyone to tamper with the jury box. Commissioners were to receive \$3 per day while actually engaged in making lists or drawing jury panels. The Clerk would receive 1 1/2 cents per name written upon the list or slips of paper placed in the jury box.
4. Private Acts of 1915, Chapter 87, provided that every regular juror in Maury County would receive \$2 daily for attendance in court and that tales jurors would get the same amount for each day actually served as a juror.
5. Private Acts of 1935, Chapter 211, amended Private Acts of 1913 (1st Ex. Sess.), Chapter 45 to delete unclear language concerning disqualification of a juror if he had served as a juror within two years prior to his selection.
6. Private Acts of 1947, Chapter 651, fixed the compensation of the Grand Jury Foreman and Grand Jury Minute Clerk at \$6 per day each. All other jurors of both grand and petit juries were to be paid \$4 per day. The compensation was to be paid from the general funds of the County.
7. Private Acts of 1957, Chapter 55, amended Section 19 of Private Acts of 1913 (1st Ex. Sess.), Chapter 45 by increasing the Commissioners' daily compensation from \$3 to \$5.
8. Private Acts of 1959, Chapter 165, provided that the rate of pay of both grand and petit jurors in Maury County would be \$6 per day.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Maury 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 is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks, six weeks in Nashville, unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, Section 8, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice a year. Maury County was served by the Court sitting in Columbia on the first Monday of March and September. Courts were also to be held at Greenville, Rogersville, Kingston, Franklin, McMinnville, Charlotte, Jackson, and Carthage.
3. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of

- Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Maury County was in the Western Division and continued to be served by the Court sitting in Columbia. One chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
4. Public Acts of 1827, Chapter 88, declared that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience.
 5. Public Acts of 1829, Chapter 103, allowed the two Chancellors of the State to adopt a set of rules to regulate practice in the Chancery Courts.
 6. Public Acts of 1835-36, Chapter 4, created an additional Chancery Division to be the Middle Division and subdivided each of the three divisions into numerous districts. Maury County composed the entire Eleventh District of the new Middle Division. The court for the district was to be held in Columbia on the third Monday of March and September. The new Chancellor was to be appointed by the General Assembly for eight-year terms. The Chancellors were granted the authority to interchange among the several Chancery Courts of the State as necessary, to adopt a set of rules for practice in the courts which were to be revised every four years, and to appoint their respective Clerks and Masters for six year terms.
 7. Acts of 1837-38, Chapter 116, changed the court terms for several Chancery Courts in the Eastern and Middle Division of the State but made no change in Maury County.
 8. Acts of 1853-54, Chapter 55, set the time for holding the Chancery Court in Maury County as the third Monday in March and September.
 9. Public Acts of 1857-58, Chapter 88, prescribed a schedule for the times and places of holding Chancery Courts across the State in all six Chancery Divisions. The time of meeting of the Chancery Court in Maury County remained the same, the third Monday of March and September. The Chancery Court in Columbia, a part of the Middle Division, served both Maury and Lewis Counties.
 10. Public Acts of 1867-68, Chapter 64, set the time for holding Chancery Court in Columbia as the fourth Monday in March and September.
 11. Public Acts of 1869-70 (2nd Sess.), Chapter 32, reorganized the state Chancery Courts into twelve districts each consisting of certain named counties. The Counties of Williamson, Maury, Marshall, and Giles, comprised the Eighth District.
 12. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the times for holding Chancery Court in the various divisions, setting the time in Maury County as the first Monday in June and the fourth Monday in November.
 13. Public Acts of 1873, Chapter 92, changed the times for holding Chancery Court in Maury County to the second Monday in June and the second Monday in December.
 14. Public Acts of 1875, Chapter 12, altered the beginning dates for the terms of Chancery Court in Maury County to the first Monday of April and October.
 15. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower court system in the State. Eleven chancery divisions were formed. The Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton comprised the Seventh Chancery Division. In Maury County, court was to be held on the first Monday in April and in October. Chancellors were to be elected. This act, and nearly every other organizational and jurisdictional act, were part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
 16. Public Acts of 1887, Chapter 5, changed some of the court terms in the Seventh Chancery Division but did not affect Maury County.
 17. Public Acts of 1899, Chapter 427, organized the State into ten Chancery Divisions. Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Giles, Lewis, Wayne, and Maury Counties composed the Fifth Division. Court for Maury County would be held in Columbia on the third Monday in June and the first Monday in November.
 18. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, reorganized the entire judicial structure of the state by dividing it into fourteen Chancery Divisions. The Fifth Chancery Division was made up of Rutherford, Marshall, Bedford, Moore, Lincoln, Giles, Lawrence, and Maury Counties. Chancery Court would be held in Columbia on the third Monday in April and October.
 19. Private Acts of 1935, Chapter 499, gave the County Court of Maury County concurrent jurisdiction with the Chancery Courts of the State in all cases instituted for the sale or disposition of property

of infants, lunatics, or other persons under disability.

Chancery Court - Clerk and Master

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

1. Private Acts of 1933, Chapter 494, fixed the maximum compensation of the Maury County Clerk and Master at \$2,500 per year.
2. Private Acts of 1943, Chapter 433, permitted the Clerk and Master of Maury County to appoint a deputy for one year at a time who would execute and file a bond of \$1,000 and receive a salary of \$900 yearly, payable at \$75 per month.
3. Private Acts of 1945, Chapter 324, amended the Private Acts of 1943, Chapter 433 by increasing the salary of the Deputy Clerk and Master to \$1,200 a year.

Circuit Court

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

1. Acts of 1817, Chapter 65, created a new Sixth Judicial Circuit composed of Lincoln, Giles, Bedford, Lawrence, and Maury Counties, the Judge of which would be appointed by the Legislature as soon as practical.
2. Acts of 1817, Chapter 138, provided that the Circuit Court terms in Maury County in the Sixth Judicial Circuit would begin on the third Monday in June and December.
3. Private Acts of 1821, Chapter 195, authorized the Judge of the Sixth Judicial Circuit to notify a Judge of another adjoining Circuit to attend and hold the Circuit Court for Maury County and in turn this Judge, whoever it might be, could require the Sixth Circuit Judge to sit for him to repay the time he spent in Maury County.
4. Public Acts of 1829, Chapter 25, Section 2, provided that the Circuit Court for Maury County would be held on the third Monday in April and October.
5. Public Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven Judicial Circuits. Courts would meet for three terms a year instead of two. The Eighth Judicial Circuit was composed of the Counties of Lincoln, Giles, Maury, and Lawrence. The Circuit Court in Maury County would convene on the first Monday in January and May and the fourth Monday in August.
6. Acts of 1837-38, Chapter 116, placed Maury County in the Eighth Judicial Circuit and set the time for beginning Circuit Court terms as the first Monday in January and May and the fourth Monday in August.
7. Acts of 1845-46, Chapter 39, set the times for beginning Circuit Court terms in the Eighth Judicial Circuit, then composed of Lewis, Hickman, Giles, Marshall, and Maury. The time for commencing Circuit Court in Maury County was unchanged.
8. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the State into sixteen Judicial Circuits. The Eleventh Judicial Circuit was composed of Marshall, Giles, Lewis, and Maury Counties. Circuit Court terms in Maury County remained unchanged.
9. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized all the Circuit Courts of the State into fifteen Judicial Circuits and one Special Circuit. Williamson, Marshall, Giles, Lawrence, and Maury were in the Ninth Circuit.
10. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting dates for the Circuit Court terms in Maury County as the first Monday in January, May, and September.
11. Public Acts of 1879, Chapter 147, directed that Jno. V. Wright, of Maury County, be compensated in the amount of \$1,400 for his services as Circuit Court Judge in the Ninth Judicial Circuit performed while Judge W. P. Martin was disabled because of illness.
12. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen regular and one special Judicial Circuit were established. Maury, Giles, Lawrence, Hickman, Wayne, Hardin, and Lewis, comprised the Ninth Circuit Court. Terms in Maury County were set to begin on the first Monday in January, May, and September.
13. Public Acts of 1887, Chapter 54, set the times and places for holding Circuit Court in the Ninth Judicial Circuit. Circuit Court for Maury County was to be held in Columbia on the first Monday in January, May, and September.
14. Public Acts of 1893, Chapter 10, changed the times for holding the Circuit Courts in the Ninth Judicial Circuit. Court in Maury County would begin the second Monday in January, May, and

September, instead of the first Monday.

15. Private Acts of 1897, Chapter 322, changed the times of commencing Maury County's Circuit Court terms to the second Monday in February and November and the third Monday in May.
16. Public Acts of 1899, Chapter 427, reorganized the Circuit Courts into fourteen Judicial Circuits. The Eleventh Court was composed of Giles, Lawrence, Wayne, Lewis, Perry, Hickman, and Maury Counties. Circuit Court in Maury County would be held at Columbia on the second Monday in January, May, and September.
17. Acts of 1901, Chapter 382, changed the times for holding Circuit Court in Maury County to the third Monday in February, the fourth Monday in May, and the second Monday in November.
18. Acts of 1903, Chapter 18, fixed the Circuit Court terms in the Eleventh Judicial Circuit but did not change the dates for Maury County.
19. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. Twenty Judicial Circuits were established. Maury County was in the Eleventh Circuit and terms were set to begin on the third Monday in February, the fourth Monday in May and the second Monday in November.
20. Public Acts of 1968, Chapter 561, created the office of an additional circuit judge in the Eleventh Judicial Circuit.
21. Public Acts of 1974, Chapter 711, created the office of an additional circuit judge in the Eleventh Judicial Circuit and set forth a procedure for determining who would hold the position of presiding judge if no judge was senior.

Circuit Court - Clerk

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

1. Acts of 1843-44, Chapter 89, required the Circuit Court Clerk of Maury County and other listed counties to examine the books of the Entry Takers of the respective counties and report to the state comptroller on the first Monday in September, annually. The act amended Acts of 1841-42, Chapter 34, which was the general law accepting the agency conferred upon Tennessee by Congress to administer the opening up and entry upon the land of west Tennessee. The Entry takers were to receive the monies for the land and keep the related records and the circuit court clerks were to oversee and examine the records.
2. Private Acts of 1921, Chapter 448, allowed the Circuit Court Clerk of Maury County a salary of \$2,000 per year provided the Clerk filed a report with the County Judge showing the total amount of fees collected by his office for the year. If the fees totaled less than the salary, the County would supply the difference; if more than the salary, the clerk could retain the excess amount.
3. Private Acts of 1933, Chapter 504, set the maximum compensation for the Maury County Circuit Court Clerk at \$2,000 annually.
4. Private Acts of 1941, Chapter 82, proposed that the Circuit Court Clerk of the counties within stated population figures receive \$50 per month for clerical assistance but the population figures cited do not include any county. Maury County apparently was the intended County of reference.
5. Private Acts of 1945, Chapter 44, gave the Circuit Court Clerk authority to appoint a deputy clerk for one year at a time who would execute a bond for \$1,000 and be paid a salary of \$1,200 yearly in monthly installments.

Criminal Court

The following acts once pertained to the Maury 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 1871, Chapter 73, created a Criminal Court in Maury County and empowered it with the exclusive jurisdiction within the County then held by the Circuit Court for the trial and presentment of crimes and offenses against the State. The Clerk of the Circuit Court was to be the Clerk for the Criminal Court as well. The judge was to be elected and the Court terms were to be held on the first Monday in March, July, and November.
2. Public Acts of 1877, Chapter 143, repealed Public Acts of 1871, Chapter 73 and returned criminal case jurisdiction to the Circuit Court.
3. Public Acts of 1883, Chapter 235, permitted the Judge of the Circuit Court in Maury County to select the time for taking up the criminal docket and repealed the part of Public Acts of 1877, Chapter 143, which set a specific time for the Court to hear criminal matters.

4. Public Acts of 1899, Chapter 376, created a Criminal Court for Maury County with jurisdiction to try all misdemeanors and offenses against the State up to and including petit larceny, to the exclusion of the Circuit Court in the County. The Judge for the Criminal Court would be the County Judge and the prosecutor would be the County Attorney. The Criminal Court would hold twelve sessions per year beginning on the first Wednesday of each month.
5. Acts of 1903, Chapter 381, amended Public Acts of 1899, Chapter 376 to make the Circuit Court the appellate Court for the Criminal Court created by that act instead of the Supreme Court.
6. Acts of 1907, Chapter 229, amended Public Acts of 1899, Chapter 376, Section 2 by exempting violations of liquor and revenue laws from the jurisdiction of the Court.
7. Private Acts of 1911, Chapter 260, repealed Acts of 1907, Chapter 229.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the day for the term of the Maury County Criminal Court to begin on the first Wednesday in each month.
9. Private Acts of 1972, Chapter 303, abolished the Criminal Court of Maury County by repealing Public Acts of 1899, Chapter 376 and all its amendatory acts.

District Attorney General - Assistants and Criminal Investigators

The following act once affecting Maury County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1977, Chapter 368, authorized the District Attorney General of the Eleventh Judicial Circuit to appoint an additional full-time Assistant District Attorney.

General Sessions Court

The following acts once affected the general sessions court of Maury County, but are no longer in effect and are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1951, Chapter 86, created the office of Committing Judge for the Court of General Sessions, Part I. The Judge would perform the duties assigned him by the Judge of General Sessions, Part I. He would have concurrent jurisdiction with such judge to, among other things, issue arrest warrants, fix and approve bonds, commit persons to jail, and arraign defendants. He could adjudicate cases when designated a Special Judge. The Judge was to receive compensation of \$3,600 per year and would be elected for eight-year terms.
2. Private Acts of 1951, Chapter 708, amended Private Acts of 1951, Chapter 86, by broadening the powers and responsibilities of the said Committing Judge by allowing him to enter judgments by default and approve consent agreements. In criminal cases, the Judge was allowed to enter guilty pleas and fix penalties.
3. Private Acts of 1953, Chapter 553, repealed Private Acts of 1951, Chapter 86, as amended.
4. Private Acts of 1955, Chapter 209, amended Private Acts of 1953, Chapter 554 by increasing the annual compensation of the Committing Judge to \$4,800. The act did not receive local approval and did not become effective.
5. Private Acts of 1955, Chapter 210, amended Private Acts of 1947, Chapter 254 by increasing the annual compensation of the Judge of General Session Court, Part I, to \$6,300 but the act did not receive local approval and did not become effective.
6. Private Acts of 1957, Chapter 139, in addition to increasing the salary of the Judge of General Sessions, Part II, prohibited the Judge of General Sessions, Part II, if a lawyer, from engaging in the practice of law during his tenure.
7. Private Acts of 1963, Chapter 259, intended to amend the law by giving the Committing Judge the same powers, authority, and jurisdiction as the Judge of General Sessions Court, Part I, but the act misdated the chapter number of the act it intended to amend. The act did not receive local approval and did not become effective.

Source URL: <https://www.ctas.tennessee.edu/private-acts/court-system-historical-notes-70>