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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 act once affected jurors or boards of jury commissioners in Grundy County, but is no longer operative.

1. Private Acts of 1933, Chapter 323, created a Board of Jury Commissioners for Grundy County who would be appointed by Circuit and Criminal Judges, consisting of three discreet people, freeholders, not attorneys, or prospective litigants, nor State or County employees who would serve two year terms, be sworn and bonded, according to the terms of this Act, and who would select a Chairman from among their number. The Circuit, or Criminal, Court Clerk would serve as Clerk. The Board would select from the tax rolls, or other public sources, a list of names equal to one-eighth of the total number of votes cast in the last presidential election but which would be no less than 250 nor more than 1,000. The Clerk would enter their names in a well-bound book as the Jury List which would be certified by all three members of the Board. The names would also be placed on an individual scroll, or card, placed in a box, locked, sealed, and opened again only in the presence of the Board. Within ten to fifteen days before Court begun, the box would be opened in the presence of the Board and a child, ten years old or younger, would draw the names of the number of jurors needed, or as might be specified by order of the Court. These names would be placed in an envelope and presented to the Judge in open Court. At least five days before court begins the list drawn out would be transmitted by the Clerk to the Sheriff who would summon the jurors. None could be excused except on order of the Judge. Provisions for summoning special juries and panels were included.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Grundy County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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. Acts of 1843-44, Chapter 204, stated that all courts would be held at Beersheba Springs in Grundy County until the County seat for the county is selected or until the County Court adjourns the several Courts to another suitable place in Grundy County. The people of the newly created County could file their Bills in Equity at the court in McMinnville, in Warren County.
2. Acts of 1845-46, Chapter 44, Section 3, provided that the citizens of Grundy County might elect and have the power to file their Bills in Chancery at the Court in Manchester in Coffee County. The Clerk and Masters of any court in which a suit was pending was authorized to transfer the same to that Court.
3. Acts of 1847-48, Chapter 96, declared that the several courts of Grundy County would meet at the home of Jesse Wooten until suitable arrangements could be made at Altamont for the Courts to meet there. This Act also established Altamont as the county seat of Grundy County.
4. Acts of 1853-54, Chapter 181, Section 4, provided that the citizens of Grundy County could now file their suits in Chancery also at Jasper in Marion County as well as in Manchester in Coffee County and McMinnville in Warren County.
5. Acts of 1855-56, Chapter 13, established a Chancery Court at Altamont in Grundy County which the Chancellor of the Fourth Chancery Division would hold. The first term shall begin on the first Monday in May and November.
6. Acts of 1855-56, Chapter 164, changed the opening dates for the terms of the Chancery Court at Altamont to the Friday after the fourth Monday in March and September.
7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Division was made up of the counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Cannon, Rutherford, and Grundy whose Court at Altamont would open on the Friday after the fourth Monday in March and September.
8. Acts of 1866-67, Chapter 33, created the 12th Chancery Division in the State which contained the counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren. Court would begin in Altamont for Grundy County on the second Monday in April and October. The Governor would appoint a Chancellor to hold the Courts in this new Division until his successor was elected and qualified.

9. Acts of 1870, Chapter 32, divided the State into twelve Chancery Divisions. The Fourth was composed of the Counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy.
10. Acts of 1870, Chapter 47, scheduled the days for opening the Chancery Courts for every County in the State. Grundy would start the Chancery Courts at Altamont on the Wednesday after the second Monday in April and October.
11. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower Judicial system in Tennessee into eleven Chancery Divisions. The Third Division contained the counties of Bradley, Polk, Marion, Rhea, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee, and Grundy whose Chancery Court terms would commence on the first Friday after the third Monday in April, August, and December. The terms of the Circuit and Chancery Courts were the same in Grundy County. This Act was part of the litigation in the case of Flynn v. State (1958), 203 Tenn. 341, 313 SW<sup>2</sup> 249.
12. Acts of 1887, Chapter 13, Section 10, changed the Court terms for all the counties in the Third Chancery Division. Grundy County would open the Chancery Courts on the first Monday in January and June.
13. Acts of 1889, Chapter 13, changed the court terms of all the Chancery Courts in the Third Chancery Division. Grundy County's Chancery Courts would be held at the same time as the Circuit Courts and would be presided over by the Chancellor or by the Circuit Judge of the proper judicial circuit. This provision was repealed by the Act following.
14. Acts of 1891, Chapter 253, stated that the Chancery Court of Grundy County shall hereafter be held on the first Wednesday after the second Monday in February and August. The Authority of the Circuit Judge to hold the Chancery Court of Grundy County is hereby repealed and the Chancery Court will be presided over by the Chancellor of the Third Division.
15. Acts of 1895, Chapter 37, changed the terms of the Chancery Court in Franklin, Rhea, Polk, and Grundy Counties in the Third Chancery Division but did not mention the others. Grundy County's Chancery Court would begin on the first Tuesday after the second Monday in February and August. All process being required to conform to these dates.
16. Acts of 1897, Chapter 151, stated that the Chancery Courts of Grundy County would thereafter be held on the first Tuesday after the third Monday in May and November instead of on the days set in Chapter 37, Private Acts of 1895, above.
17. Acts of 1899, Chapter 427, rearranged the entire lower court system of the State. There were ten Chancery Divisions of which the Third had in it the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, McMinn, Moore, Warren, Monroe, Polk, Meigs, Hamilton, and Grundy. Grundy County Chancery Courts would start their respective terms on Tuesday after the third Monday in May and November.
18. Private Acts of 1911, Chapter 435, created the 12th Chancery Division out of the 3rd Chancery Division, taking all the counties mentioned above in Item 17 out of the Third and placing them in the Twelfth, except Hamilton County which was assigned to the Third Chancery Division above. The Courts would continue to be held at the times previously specified. The Governor would appoint a Chancellor for the new Division to serve until the next general election, and the Chancellor would appoint a Clerk and Master, if needed.
19. Private Acts of 1913, Chapter 5, Section 11, created a Chancery Court to be held at Tracy City in Grundy County which shall have concurrent jurisdiction with the Court at Altamont. Any cause may be transferred to the new Court. The Judge of the Court of Grundy County will hold this Court but will receive no extra compensation. The Clerk and Master at Altamont will be the Clerk and Master of the new Court and the Sheriff of the County will wait upon the new Court as he has the old one. This Act was repealed by Chapter 2, Public Acts of 1957.
20. Private Acts of 1925, Chapter 582, changed the terms of the Chancery Courts at Altamont and at Tracy City. At Altamont the Court would begin on the second Monday in May and November of each year and at Tracy City on the Wednesday after the second Monday in May and November.

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

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

1. Private Acts of 1925, Chapter 691, set the compensation of the Clerk and Master of Grundy County, identified by the use of the 1920 Federal Census figures, at \$900 per year provided the Clerk and Master file with the County Judge, or Chairman, a sworn, itemized statement showing all the fees collected by that office, and, if the fees were less than the salary, the County would

- pay the difference. Nothing would be paid unless the report was filed and the State shall not be responsible for any costs whatsoever.
2. Private Acts of 1929, Chapter 314, stated that in Grundy County the Quarterly County Court shall, at its April Session next and every two years thereafter, fix the amount of the "ex-officio" fees to be paid to the Clerk and Master of the County, beginning on September 1, of that year, provided that the amount of ex-officio fees shall not be less than \$250 nor more than \$500 per year, payable quarterly and shall not be increased, or decreased, during the term for which it is set. The ex-officio fees shall be paid in addition to all the other fees collected by the office.
  3. Private Acts of 1951, Chapter 103, established the salary of the Clerk and Master of Grundy County at \$1,500 per year which amount would be in addition to all the fees collected in that office. The Quarterly Court was required to appropriate this amount for that purpose each year. The County Judge will draw a warrant each month in favor of the Clerk and Master for 1/12 of the total amount.
  4. Private Acts of 1951, Chapter 665 was an exact duplicate of Chapter 103, Private Acts of 1951, above, in Item 3.

### **Circuit Court**

The following acts were once applicable to the circuit court of Grundy 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. Acts of 1843-44, Chapter 204, assigned the Circuit Court of newly formed Grundy County to the 13th Judicial Circuit providing that the Court be held at Beersheba Springs on the second Monday in April, August, and December until the Courthouse at the county seat could be prepared.
2. Acts of 1845-46, Chapter 27, changed the terms of the Circuit Courts in the 13th Judicial Circuit assigning Grundy County to the third Monday in April, August, and December.
3. Acts of 1847-48, Chapter 181, again rearranged the opening dates for the Circuit Courts in the 13th Judicial Circuit which was composed of the counties of Van Buren, Coffee, Warren, Franklin, Lincoln, and Grundy whose Circuit Courts would start on the third Monday of February, June, and October.
4. Acts of 1849-50, Chapter 206, rearranged the schedule of opening dates for the Circuit Courts of the 13th Judicial Circuit which now had the counties of Franklin, Warren, Van Buren, Coffee, and Grundy which went to the third Monday in January, May, and September.
5. Acts of 1857-58, Chapter 98, rearranged the entire lower court system of the State into sixteen Judicial Circuits. The 8th Judicial Circuit consisted of the Counties of Van Buren, Warren, Coffee, Lincoln, Franklin, and Grundy whose courts would continue to start on the third Monday in January, May, and September.
6. Acts of 1870, Chapter 31, organized the State into fifteen regular and one special Judicial Circuit. The Counties of Grundy, Warren, Coffee, Franklin, Lincoln, and Van Buren were all assigned to the 6th Judicial Circuit.
7. Acts of 1870, Chapter 46, assigned the Circuit Courts of all the Counties in the State to starting dates for their three annual terms. Grundy County's Circuit Courts would still continue to meet on the third Monday in January, May, and September.
8. Acts of 1883, Chapter 50, changed the term of the Circuit Court in Grundy County to the first Tuesday after the third Monday in May, and the first Tuesday after the fourth Monday in October instead of the times now fixed by law.
9. Acts of 1885, Chapter 103, again changed the terms of the Circuit Court for Grundy County to the first Tuesday after the third Monday in January, the first Tuesday after the third Monday in May, and the first Tuesday after the third Monday in September.
10. Acts of 1885 (Ex. Sess.), Chapter 20, organized the lower court system into fourteen regular, and one special, Judicial Circuits. The 6th Judicial Circuit contained the Counties of Van Buren, Franklin, Coffee, Warren, Moore, Lincoln, DeKalb, White, and Grundy, whose courts would start their terms on the first Friday after the third Monday in April, August, and December.
11. Acts of 1887, Chapter 8, changed the schedule of court terms in all the counties of the Sixth Judicial Circuit. Grundy County's Circuit Courts would begin on the fourth Monday in April, August, and December.
12. Acts of 1891, Chapter 34, rescheduled the duties to open the Circuit Court in Grundy County to the first Tuesday after the fourth Monday in March, July, and November, instead of the times

previously set by law.

13. Acts of 1895, Chapter 97, reset the opening dates for the Circuit Courts in Warren, DeKalb, Van Buren, and Grundy Counties. Grundy was assigned to the first Tuesday after the first Monday in March, July, and November.
14. Acts of 1899, Chapter 427, reorganized the entire lower judicial system of Tennessee into fourteen Judicial Circuits. The Seventh Judicial Circuit was composed of the Counties of Van Buren, Coffee, Warren, Moore, DeKalb, Bledsoe, Rhea, Lincoln, and Grundy. Grundy's Courts would begin on the Tuesday after the fourth Monday in March, July, and November.
15. Acts of 1903, Chapter 580, changed the starting dates for all the counties in the 7th Judicial Circuit but left Grundy as they were.
16. Acts of 1909, Chapter 540, reset the Circuit Court terms for Rhea and Grundy Counties. Grundy would take up the Circuit Court dockets on the Tuesday after the first Monday in March and July, and Tuesday after the fourth Monday in November.
17. Private Acts of 1913, Chapter 5, created a second Circuit Court for Grundy County to be held at Tracy City for the 6th, 7th, 8th, 9th, 11th, 12th, and 13th old Civil Districts, the jurisdiction, both Civil and Criminal, being co-extensive with the boundaries of those Districts. The Court would be held by the Circuit Judge of the county on the first Thursday after the first Monday in March and July and after the fourth Monday in November. The Circuit Court Clerk will be the Clerk of this Court which was given concurrent jurisdiction with the other Circuit Court at Altamont. This Act was repealed by Chapter 2, Public Acts of 1957.
18. Public Acts of 1917, Chapter 15, changed some of the Circuit Court terms in the 18th Judicial Circuit but did not change Grundy County.
19. Private Acts of 1921, Chapter 326, amended Chapter 5, Private Acts of 1913, by providing for the Circuit Court established at Tracy City for the area composed of the old Civil Districts numbered about to be held by the Circuit Judge of Grundy County for both civil and criminal cases and to have appellate jurisdiction over the lower courts in the Civil Districts composing the area. This Act was repealed by Chapter 166, Private Acts of 1957.
20. Private Acts of 1925, Chapter 541, stated that hereafter the Circuit Court of Grundy County shall convene at Altamont on the first Monday in March, on the second Monday in July, and on the first Monday in November, and that the Court at Tracy City would meet on the second Monday in March, the third Monday in July, and the third Monday in November.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the whole lower judicial system of the State into twenty Judicial Circuits. The 18th Judicial Circuit contained the counties of Franklin, Sequatchie, Bledsoe, Marion, Meigs, Rhea, and Grundy. The courts in Grundy County would meet at Altamont the first Monday in March and November and the second Monday in July. The Court at Tracy City would open on the third Monday in July. The Court at Tracy City would open on the third Monday in July and November and the second Monday in March.
22. Private Acts of 1947, Chapter 429, stated that the line previously described as separating the jurisdictional areas of the two Circuit Courts in Grundy County had become rather indefinite, this Act reestablishes and delineates a new jurisdictional line between the two courts. The court at Tracy City ceased to exist in 1957 and therefore this Act is not published herein being repealed in Item 25 below.
23. Public Acts of 1957, Chapter 2, amended Section 16-232, Tennessee Code Annotated by striking the provision for the Circuit Court of Grundy County at Tracy City and reciting that the Court at Altamont would meet on the first Monday in March and November and the second Monday in July. This Act also repeals Chapter 5, Private Acts of 1913, which established the second Court. See *Cheek v. Rollins*, 202 Tenn. 608, 308 SW 2d 393 (1957).
24. Private Acts of 1957, Chapter 166, specifically repealed Chapter 326, Private Acts of 1921, Item 19, above, in its entirety.
25. Private Acts of 1957, Chapter 167, expressly repealed Chapter 429, Private Acts of 1947, in its entirety.
26. Public Acts of 1963, Chapter 248, divided the 18th Judicial Circuit into two Parts. The Governor would appoint a Judge to hold Part II until September 1, 1964, when a successor would be elected to hold until September 1, 1966, when the Judge would be elected for the regular 8 year term. The Judges would pro rate the case load and the Senior Judge would assign cases if they could not agree. The new Judge was allowed to employ a stenographer at \$100 per month.
27. Public Acts of 1967, Chapter 5, changed the terms of the Circuit Courts in the 18th Judicial Circuit

which had Franklin, Meigs, Rhea, Sequatchie, Bledsoe, Marion, and Grundy Counties in it. Grundy's Court would begin on the second Monday in April and August and on the first Monday in December.

28. Public Acts of 1968, Chapter 616, amended Section 16-232, Tennessee Code Annotated by adding a provision that in addition to regular terms of Court, the first Monday in every month shall be a Rule Day of the Court and to each summons, accompanied by a Declaration, the defendant must plead.
29. Public Acts of 1971, Chapter 239, amended Section 16-232, T.C.A., by inserting a new Section which reset the Court schedules for the 18th Circuit. Grundy County was scheduled to begin on the first Monday in March, July, and November.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, fixed the salaries of the Circuit Court Clerks in the State according to classes fixed by population. In counties having a population of 15,000, or under, according to the 1900 Federal Census, the Circuit Court Clerk would be paid \$500 per year. Grundy County would fall into this group. If the fees collected by the office, as they were shown on the sworn, itemized report which was ordered to be filed with the County Judge in January of each year, were less than the stated salary, the County must pay the difference, but, if the fees exceeded the salary, the Circuit Court Clerk could retain the excess. This, and an 1897 Act, were the forerunners of the current statutes fixing these salaries and served in many ways as models of those to come.
2. Private Acts of 1921, Chapter 347, amended Chapter 255, Public Acts of 1903, Item One, above, by setting the annual salary of the Circuit Court Clerk of Grundy County at \$700 per year, provided the conditions of filing the sworn, itemized, annual statement were complied with.
3. Private Acts of 1925, Chapter 592, also amended Chapter 255, Public Acts of 1903, above, by adding a provision to that Act which set the annual salary of the Circuit Court Clerk of Grundy County at \$900 a year under the conditions stipulated in that Act which were required to be observed by the Circuit Court Clerk.
4. Private Acts of 1929, Chapter 315, stated that the Quarterly Court of Grundy County at its next April Session, and every two years thereafter, would set the ex-officio fees which were to be paid to the Circuit Court Clerk. The fees could be no less than \$300 nor more than \$600 per year, shall no be increased or decreased during the term for which they were set, and would be paid in addition to all the other fees and income of that office.

### **General Sessions Court**

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

1. Acts of 1849-50, Chapter 30, Section 4, stated that all Decrees and Court Judgments rendered by any of the courts of law and equity in Grundy County, relating to the property rights of the citizens of the 11th and 12th Civil Districts of the County which were at one time attached to Grundy County shall be of as binding force as if those Districts were still a portion of Grundy County.
2. Private Acts of 1921, Chapter 348, established the charges for the taking of depositions in Grundy County which charges shall be taxed and collected as part of the costs in the case, at \$1.00 for all depositions under 1800 words and those taking deposition may charge six cents per 100 for all words over 1800, but no extra compensation shall be added for fixing the seal thereto.
3. Private Acts of 1931, Chapter 592, amended Chapter 58, Public Acts of 1911, Section 14, by excepting Grundy County from the provisions of that Section and setting the compensation of the Judge of the Court dealing with delinquent children at \$400 per year, payable quarterly, which shall be in addition to the salary already provided by law.
4. Public Acts of 1967, Chapter 82 allows for an Assistant District Attorney General for the Eighteenth Judicial Circuit. Grundy County, however, is no longer a part of the Eighteenth Judicial Circuit, and is now a part of the Twelfth Judicial Circuit.
5. Public Acts of 1971, Chapter 192 provides two Criminal Investigators for the Eighteenth Judicial Circuit. Grundy County is presently a part of the Twelfth Judicial Circuit, thus, this act does not affect Grundy County.
6. Public Acts of 1974, Chapter 607, amended Section 16-1109, Tennessee Code Annotated,

Subsection 6, to set the salary of the Judge of the General Sessions Court in Macon County, Coffee County, and Grundy County. In Grundy County the annual salary of the Judge was fixed by this Act at \$6,500.

7. Public Acts of 1976, Chapter 561 creates an additional office of full-time Assistant District Attorney General for the Eighteenth Judicial District. Grundy County is, however, no longer a part of the Eighteenth Judicial District.

### **Secretarial Assistance**

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

1. Public Acts of 1963, Chapter 248, Section 8 authorized the newly appointed Judge in Part II of the 18th Circuit to hire a stenographer at a salary of \$100 per month. This Section of the Act would be superseded by the above Tennessee Code Annotated Sections.

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