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# Court System - Historical Notes

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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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# Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Madison 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 115, created a Board of Jury Commissioners for a number of counties including counties having a population of "not less than 39,500 nor more than 39,600...according to the Federal Census of 1910." This was intended to apply to Madison County but the population statistics were incorrect.
2. Private Acts of 1911, Chapter 502, created a Board of Jury Commissioners for Madison County. This act was repealed by Private Acts of 1915, Chapter 400.
3. Private Acts of 1937, Chapter 762, created a Board of Jury Commissioners in Madison County. This act was amended by Private Acts of 1953, Chapter 355, to change the time within which special jurors could be empaneled.
4. Private Acts of 1945, Chapter 277, set the compensation for jurors at \$3 per day.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Madison County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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, provided that the Supreme Court Justices were to preside over a court of chancery in Jackson for "all the other counties" (which included Madison) west of the Tennessee River on the second Monday in April and October of each year.
2. Public Acts of 1827, Chapter 79, repealed prior laws granting original chancery jurisdiction to the judges of the Supreme Court of Errors and Appeals, and divided the state into two chancery divisions. Madison County was placed in the Western Division, composed of the courts at Franklin, Columbia, Charlotte, Jackson and Paris.
3. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions. Madison County was placed in the 5th district of the Western Division, with court to be held at Jackson on the second Mondays of March and September.
4. Acts of 1837-38, Chapter 14, placed the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson and Madison in the Western Division. Court was to be held at Huntingdon in Carroll County on the first Mondays in February and August. The chancery courts at Lexington, Paris, Jackson, Dresden, Trenton and Bolivar were abolished.
5. Acts of 1843-44, Chapter 182, gave the citizens of Madison County the right to file bills of chancery in either Brownsville or Huntingdon.
6. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.
7. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into 11 chancery divisions and placed Madison County in the 9th Chancery Division, along with Hardeman, McNairy, Chester, Crockett, Carroll, Henry and Henderson Counties.
8. Public Acts of 1899, Chapter 427, divided the state into 10 chancery divisions, placing Madison County in the 8th Chancery Division along with Henderson, Decatur, Hardin, Chester, Benton, McNairy, Crockett, Carroll, Henry and Perry Counties.
9. The time for holding chancery court was changed in Acts of 1851, Chapter 52; Public Acts of 1866-67, Chapter 33; Public Acts of 1870-71, Chapter 39; Acts of 1903, Chapter 36; Public Acts of 1931, Chapter 80, and Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.

## **Circuit Court**

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

1. Public Acts of 1821, Chapter 42, placed Henry, Carroll, Henderson, Madison, Shelby, Wayne,

Hardin and Perry Counties in the 8th Judicial Circuit, and created the 14th Solicitorial District to be composed of Henderson, Madison and Shelby Counties.

2. The time for holding circuit court was changed by Public Acts of 1823, Chapter 41; Private Acts of 1824, Chapter 102; Private Acts of 1825, Chapter 318; Acts of 1837-38, Chapter 116; Acts of 1841-42, Chapter 1; Acts of 1845-46, Chapter 124; Acts of 1851-52, Chapter 52; Public Acts of 1865-66, Chapter 14; and Public Acts of 1965, Chapter 204.
3. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.
4. Public Acts of 1899, Chapter 409, split Madison County circuit court jurisdiction, placing civil jurisdiction in the 11th Judicial Circuit and criminal jurisdiction in the 18th Judicial Circuit.
5. Public Acts of 1899, Chapter 427, placed Madison County in the 12th Judicial Circuit and set the terms of court.
6. Acts of 1905, Chapter 57, removed Madison County civil jurisdiction from the 12th Circuit to the 16th Circuit, leaving criminal jurisdiction in the 12th Circuit.
7. Private Acts of 1929, Chapter 332, set fees for offices authorized to take depositions at \$1 for each deposition not exceeding 1,000 words and 10¢ for each additional 100 words.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Madison County criminal jurisdiction in the 12th Judicial Circuit and civil jurisdiction in the 16th Judicial Circuit.
9. Public Acts of 1974, Chapter 526, was a public act of local application which provided that the circuit court for the 12th Judicial Circuit (Henderson, Madison and Chester Counties) would be divided into two parts or divisions designated as Part I and Part II, with a Circuit Judge for each Part who could sit interchangeably in all counties. The judge with the most service seniority would serve as senior judge, and if both judges had equal service the judge who received the most votes in the last election would be senior judge. Circuit court in Madison County was scheduled on the first Mondays in January, May and September, and the third Mondays in February, June and October. This act was repealed by Public Acts of 1984, Chapter 931, except insofar as the act divided the court into Part I and Part II.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Madison 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 1923, Chapter 463, provided that the compensation of the Circuit Court Clerk would be \$2,400 per year, payable in installments of \$800. This act was repealed by Private Acts of 1929, Chapter 454.
2. Private Acts of 1933, Chapter 601, set the compensation of Circuit and Criminal Court Clerks at \$3,600 per year. If the total of their fees, costs, or commissions was less than \$3,600, their compensation would be the total of such fees.

### **Criminal Court**

The following acts once pertained to the Madison 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 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, which included the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton. The Attorney General of the 11th Judicial Circuit would prosecute all cases in the name of the state, and the Circuit Court Clerk would serve as clerk of the criminal court. This act was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the dates for holding criminal court in the 11th Judicial Circuit. This act was repealed by Public Acts of 1899, Chapter 155.
3. Public Acts of 1899, Chapter 155, abolished the separate criminal courts in the 11th Judicial Circuit, repealing Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
4. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which previously had been given to the criminal courts of the 11th Judicial Circuit.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the dates for holding criminal court in Madison County on the first Mondays in January, May and September.

6. Private Acts of 1977, Chapter 118, would have created the Office of Public Defender of Chester, Henderson and Madison Counties, which composed the 12th Judicial Circuit. Although the act received local approval in Henderson County, it was not acted upon in Chester County and was disapproved by the Quarterly County Court in Madison County, and therefore never went into effect.

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

The following acts once affecting Madison County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1899, Chapter 199, provided that the district attorney general for the 11th Judicial Circuit would be responsible for the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.
2. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, to specify that the district attorney for the 11th Judicial Circuit would attend to the circuit courts in Madison County which were held by the judge for the 18th Judicial Circuit, and to remove the district attorney's responsibility for Benton County.
3. Public Acts of 1974, Chapter 565, an uncodified public act of local application, authorized the District Attorney General of the 12th Judicial Circuit to appoint an additional assistant district attorney, whose duties included criminal investigation. This act has been superseded by general law found at T.C.A. § 16-2-506(26)(B).

### **General Sessions Court**

The following acts once affected the General Sessions Court of Madison County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1943, Chapter 338, amended Private Acts of 1941, Chapter 50, to raise the salary of the General Sessions bailiff from \$1,200 to \$1,500 annually. This act was repealed by Private Acts of 1983, Chapter 53.
2. Private Acts of 1955, Chapter 181, increased the salary of the General Sessions Judge to \$6,500 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
3. Private Acts of 1971, Chapter 91, raised the bailiff's salary to \$5,400. This act was repealed by Private Acts of 1983, Chapter 53.
4. Private Acts of 1972, Chapter 387, raised the Judge's salary to \$18,000 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
5. Private Acts of 1974, Chapter 188, would have amended the salary provisions of the General Sessions Judge to provide for adjustments based on the Consumer Price Index. This act was not approved by the quarterly county court.
6. Private Acts of 1975, Chapter 92, raised the bailiff's salary to \$7,800. This act was repealed by Private Acts of 1983, Chapter 53.
7. Private Acts of 1978, Chapter 216, raised the bailiff's salary to \$8,500. This act was repealed by Private Acts of 1983, Chapter 53.
8. Private Acts of 1979, Chapter 106, raised the bailiff's salary to \$9,600. This act was repealed by Private Acts of 1983, Chapter 53.
9. Private Acts of 1980, Chapter 322, amended Private Acts of 1941, Chapter 50, to allow the county legislative body to make adjustments to the bailiff's salary, but not to reduce it below \$9,600. This act was repealed by Private Acts of 1983, Chapter 53.
10. Private Acts of 1982, Chapter 244, would have increased the salary of the General Sessions Judge to \$42,000. No action was taken by the county legislative body, and this act never went into effect.
11. Private Acts of 1982, Chapter 382, would have amended Private Acts of 1982, Chapter 244, to change the effective date, but no action was taken by the county legislative body.
12. Private Acts of 1983, Chapter 108, changed the effective date to July 1, 1983 of the amendments to Private Acts of 1941, Chapter 50, made by Private Acts of 1983, Chapter 53.

### **Juvenile Court**

The following acts once affecting Juvenile Courts in Madison 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 1925, Chapter 243, amended general law to provide additional compensation for the judge presiding over cases involving dependent, neglected and delinquent children in Madison County.
2. Private Acts of 1957, Chapter 318, would have created the position of probation officer for the Juvenile Court of Madison County, but the act was not approved by the Quarterly County Court of Madison County and never became effective.
3. Private Acts of 1963, Chapter 286, created the Juvenile Court for Madison County. The General Sessions Judge would receive an additional \$1,800 annually for presiding over the Juvenile Court. This act was amended by Private Acts of 1982, Chapter 243, to retitle the court as Division II of General Sessions, with all jurisdiction over juvenile matters formerly vested in the County Judge. This act would have been amended by Private Acts of 1982, Chapter 233, to repeal the additional \$1,800 paid to the judge, but the act was not approved locally. Private Acts of 1963, Chapter 286, was repealed by Private Acts of 1983, Chapter 53.

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