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# Court System - Historical Notes

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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](http://www.ctas.tennessee.edu)

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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 Lewis County, but are no longer operative.

1. Private Acts of 1917, Chapter 427, set up a Board of Jury Commissioners for Williamson County. The act following amended this act so as to make it applicable to Lewis County. The Board would have four members appointed by the Circuit Judge to serve staggered terms initially and four year terms afterwards. The members must be householders, or freeholders of the county, not attorneys, nor state or county officials. They must be sworn by the oath in the Act and would then select a Chairman. The Circuit Court Clerk, also sworn, would be the Clerk. On the first Monday in June, 1917, and every two years afterwards, the Board would meet and select from public sources the names of no less than 250 nor more than 4,000 people to serve as jurors for the next two years, whose names would be listed in the book provided for that purpose and certified by all members of the Board. Grand Jurors were to be selected from this list and their names entered in a special book, and certified. Their names would likewise be written on cards, or scrolls, and placed in boxes which would be locked and sealed, all of these things being then reported to the Circuit Judge. Fifteen days before the term of Court the Judge would break the seal and draw out the number of names needed as jurors for petit juries and do the same to obtain the members of the Grand Jury. Both Jury boxes would then be relocked and resealed. These names were given to the Sheriff who would summon them to duty. Provisions were made to replenish exhausted panels and to obtain people for special juries when needed. Only the Judge could excuse a juror and penalties were provided for those who disobeyed the requirements of this Act.
2. Private Acts of 1919, Chapter 583, amended the 1917 Act, above, so as to make it applicable to Lewis County.
3. Private Acts of 1933, Chapter 683, also set up a Board of Jury Commissioners for Lewis County with only a general repealing clause. This Act provides for a three member Board of Jury Commissioners to be appointed by the Circuit Judge having criminal jurisdiction whose members must be residents of the county, of good reputation and habits, of sound mind and known intelligence, must not have a suit pending or have any interest in one and must not seek appointments to the position. The members shall appear before the Judge immediately to be sworn, anyone not doing so without good cause being subject to a fine. The Commissioners would serve for twelve months and be paid \$2 for each day spent in this service. The Board would retire to a room and be secured from intrusion so as to select from the tax rolls, or other public source a list of jurors sufficient to serve the next succeeding three terms of court after the one in progress, which names would be entered upon a book kept for that purpose and certified by the Board members. The lists for each term would be placed in an envelope, labeled, and presented to the Judge. Provisions were incorporated for exhausted panels and for those of a special nature. The Judge had the power to dismiss the Board members for adequate cause. The Judge could excuse anyone summoned under the terms of this Act for good cause supported by affidavit filed. Penalties were prescribed for those who saw fit to break this law.
4. Private Acts of 1951, Chapter 349, amended Private Acts of 1917, Chapter 427, Item One, above, so as to make the provisions of that Act applicable to Lewis County. The effect was to return Lewis County to the former system of jury selection used before the 1933 was passed

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Lewis 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. Acts of 1843-44, Chapter 230, attached the newly formed county of Lewis to the Chancery District of Maury County but the citizens of the new county had the option of filing their Bills of complaint either in Columbia or at Lawrenceburg in Lawrence County.
2. Acts of 1847-48, Chapter 181, established a Chancery Court at Waynesborough in Wayne County which would convene on the third Monday in June and December. The citizens of the counties of Lawrence, Hardin and Lewis were given the privilege of filing Bills in this Court, or at the Courts in Lawrenceburg and Savannah.
3. Acts of 1857-58, Chapter 88, reorganized the Chancery Courts in the State of Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions, further breaking the larger

Divisions down into Districts. The Chancery Court at Columbia in Maury County would hear cases from Maury County and Lewis County on the third Monday in March and September. Other counties in their group were Marshall, Cheatham, Giles, Williamson, Stewart, Montgomery, Davidson, and Robertson.

4. Acts of 1857-58, Chapter 169, Section 2, provided that Bills in Chancery could be filed in the Chancery Court established at Centerville in Hickman County by or against the citizens of Lewis County, or at the Chancery Court in Columbia as had been formerly provided, the choice to be within the discretion of the complainant.
5. Acts of 1870, Chapter 32, completely revised the lower judicial system in Tennessee into twelve Chancery Divisions. The ninth Chancery Division included the counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.
6. Acts of 1870, Chapter 47, scheduled the terms for the Chancery Court in every county of the State of Tennessee. This and the preceding Act were passed subsequent to the adoption of the 1870 Constitution. Chancery Court terms would commence in Lewis County on the first Monday in February and August.
7. Acts of 1870-71, Chapter 10, reset the terms of the Chancery Court in every county assigned to the Ninth Chancery Division. This Division was made up now of the counties of Dickson, Benton, Humphreys, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, Lawrence and Lewis whose Chancery Court would start on the fourth Monday in April and October hereafter.
8. Acts of 1873, Chapter 5, rescheduled the Chancery Court terms for the counties of the 9th Chancery Division. The Division was still composed of the counties named in Item 7, above. The Lewis County Chancery Court would meet at Newburgh on the Thursday before the first Monday in March and September.
9. Acts of 1879, Chapter 88, set up new Chancery Court terms for most of the counties in the Ninth Chancery Division changing the Court meeting at Newburgh in Lewis County to the Wednesday before the third Monday in February and August. There was no change in the counties assigned to the Division.
10. Acts of 1881, Chapter 162, rearranged the terms of the Chancery Courts composing the Ninth Chancery Division which were Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, Lawrence, Dickson, Humphreys, Benton and Lewis where the courts would begin their terms on the Thursday before the first Monday in March and September.
11. Acts of 1885 (Ex. Sess.), Chapter 20, formed eleven Chancery Divisions in this sweeping realignment of the Chancery Courts in Tennessee. The Seventh Chancery Division contained the counties of Maury, Giles, Lawrence, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, Benton and Lewis where the Court would meet on the first Thursday after the first Monday in March and September. For a good history of equity jurisprudence in Tennessee in which this Act was cited along with many others see Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
12. Acts of 1887, Chapter 5, amended the appropriate Section of Acts of 1885 (Ex. Sess.), Chapter 20, to make changes in the terms of the Chancery Court in the counties of the Seventh Chancery Division. The Lewis County Chancery Court would hereafter meet on the Thursday after the first Monday in May and November.
13. Acts of 1889, Chapter 184, amended Acts of 1885 (Ex. Sess.), Chapter 20, to set the terms of the Chancery Court in Lewis County to begin on the Tuesday after the fourth Monday in April and October of each year.
14. Acts of 1899, Chapter 427, was the next major reorganization of the lower court system of the State. Ten Chancery Divisions were formed of which the Fifth Chancery Division consisted of the counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Wayne and Lewis where the Chancery Court terms would begin on the second Monday in June and December.
15. Acts of 1901, Chapter 494, rescheduled the terms of the Chancery Court in Lewis County to begin on the first Monday in June and December.
16. Private Acts of 1919, Chapter 761, reset the opening dates for the terms of the Chancery Courts in the counties of Williamson, Wayne, Perry and Lewis. Lewis County's Chancery Court would begin its terms on the second Monday in February and July at Hohenwald.
17. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, contained the last major changes of the lower Court operations to appear in the volumes of private acts. All subsequent changes would be public acts and therefore be printed in the State Code. This Act formed fourteen Chancery Divisions,

setting up a Special Chancery Division in the 17th Judicial Circuit which was made up of the counties of Williamson, Wayne, Perry and Lewis. Chancery Court terms would start in Lewis County on the second Monday in February and July.

18. Public Acts of 1949, Chapter 230, set up new terms in the Special Chancery Division within the 17th Judicial Circuit scheduling the Court terms to begin in Lewis County on the second Monday in February and July.
19. Public Acts of 1968, Chapter 561, changed the court terms for the other counties in the Special Chancery Division of the 17th Circuit but Lewis County remained on the second Monday in February and July. This Act rewrote Section 16-2-402, Tennessee Code Annotated.

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

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

1. Private Acts of 1907, Chapter 536, set the annual compensation of the Clerk and Master of Lewis County at \$300 provided the Clerk and Master submitted a sworn, annual statement showing the amount of fees collected in the office to the County Judge or Chairman. The salary would be payable on the warrant of the County Judge out of the regular county funds.
2. Private Acts of 1911, Chapter 572, amended Private Acts of 1907, Chapter 536, Item One, above, by increasing the annual salary of the Clerk and Master of Lewis County from \$300 to \$500 under the same terms and conditions expressed in that Act. This Act also applied to Moore County.
3. Private Acts of 1921, Chapter 640, set the annual salary of the Clerk and Master of Lewis County (identified by the use of the 1920 Federal Census figures) at \$750, provided a sworn, itemized statement was filed with the County Judge or Chairman, showing the amount of fees collected in the office. If the fees were less than the salary, the County would pay the difference but not until the report was filed. The State of Tennessee would not be liable for the payment of any money under any circumstances.

### **Circuit Court**

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

1. Acts of 1843, Chapter 38, Section 21, attached the new County of Lewis to the 8th Judicial Circuit, scheduling the terms of Court to begin on the fourth Monday in March, July and November. The Court would meet at the home of John Blackburn in Lewis County until public buildings could be built and more suitable accommodations were available.
2. Acts of 1845-46, Chapter 21, Section 7, changed the opening dates for the terms of the Circuit Court in the counties of the 8th Judicial Circuit to take effect after the next term of Court. The counties mentioned were Hickman, Giles, Maury, Marshall and Lewis whose Circuit Court would start its terms on the third Monday in March, July and November.
3. Acts of 1845-46, Chapter 39, was a duplicate of Acts of 1845-46, Chapter 21, above.
4. Acts of 1852, Chapter 367, provided for the Circuit Court of Lewis County to be held at the place known as Jo Smith' old place until the county seat, which this Act named as Newburgh, could be permanently laid off.
5. Acts of 1857-58, Chapter 98, established 15 Judicial Circuits in the State of Tennessee. The Eleventh Judicial Circuit contained the counties of Maury, Marshall, Giles and Lewis where the court would continue to meet on the third Monday in March, July and November.
6. Acts of 1865, Chapter 37, seemed to be the first attempt at judicial organization in the State after the Civil War. The 11th Judicial Circuit was made up of the counties of Lawrence, Giles, Maury, Marshall and Lewis.
7. Acts of 1867-68, Chapter 64, Section 2, reset the terms of the Circuit Courts in the 11th Judicial Circuit for the counties of Hickman, Lawrence and Lewis whose Circuit Court would meet on the second Monday in February, July and November in Newburg.
8. Acts of 1868-69, Chapter 15, Section 6, added the counties of Hickman and Lewis to the 12th Judicial Circuit. The Court of Lewis County was scheduled to begin its terms on the fourth Monday in March, July and November at Newburg. The other counties in the Circuit were Hickman, Perry, Decatur and McNairy.
9. Acts of 1870, Chapter 31, formed fifteen regular, and one special, judicial circuits in Tennessee in a complete revision of the lower court system subsequent to the adoption of the 1870 Constitution. The 11th Judicial Circuit included the counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson and McNairy.

10. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Court of every county in Tennessee. Lewis County would begin the terms of the Circuit Court on the third Monday in January, May and September.
11. Acts of 1871, Chapter 17, rearranged the opening dates for the Circuit Court terms for some of the counties in the 11th Judicial Circuit. The terms of Lewis County's Circuit Court would start on the second Monday in January, May and September.
12. Acts of 1871, Chapter 70, rescheduled the opening dates for the terms of the Circuit Courts of those counties in the 11th Judicial Circuit which were Hardin, Wayne, Hickman, Perry, Decatur, Henderson, McNairy and Lewis where the court would begin its terms on the fourth Monday in January, May and September.
13. Acts of 1875, Chapter 18, wrought several changes in the judicial operations of the 11th Judicial Circuit none of which had any effect in Lewis County.
14. Acts of 1881, Chapter 183, rearranged the opening dates for the Circuit Court terms of the counties in the 11th Judicial Circuit to which changes all the process of the Circuit Courts were required to conform. Lewis County's Circuit Court would meet on the second Monday in February, June and October at Newberg.
15. Acts of 1881 (Ex. Sess.), Chapter 2, seemed to be a re-enactment of Acts of 1881, Chapter 183, above. In any event there were no changes effective in Lewis County.
16. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower judicial system of the State into fourteen regular and one special, judicial circuit. The Ninth Judicial Circuit contained the counties of Maury, Giles, Lawrence, Wayne, Hardin, Hickman and Lewis in which the terms of the Circuit Court would commence on the fourth Monday in February, June and October.
17. Acts of 1887, Chapter 54, altered some of the Circuit Court terms of the counties in the 9th Judicial Circuit. In Lewis County the Circuit Court would hereafter meet on the first Tuesday after the first Monday in February, June and October.
18. Acts of 1889, Chapter 184, amended Acts of 1885 (Ex. Sess.), Chapter 20, to schedule the terms of the Circuit Court of Lewis County to begin on the Tuesday after the fourth Monday in April and October (to coincide with the Chancery Court terms).
19. Acts of 1895, Chapter 190, directed that the terms of the Circuit Court in Lewis County would begin on the fourth Monday of February, June and October immediately after the passage of this Act.
20. Acts of 1897, Chapter 322, rescheduled the Court terms of the Circuit Courts in the 9th Judicial Circuit, which included the counties of Hardin, Wayne, Lawrence, Giles, Maury and Lewis whose Circuit Court terms would begin on the first Monday in February and November and the second Monday in May of each year.
21. Acts of 1899, Chapter 409, Section 12, changed the opening dates of the terms of the Circuit Courts in the 9th Judicial Circuit. The counties composing the Circuit were Maury, Giles, Lawrence, Wayne, Hardin, Williamson and Lewis in which the Court would meet on the fourth Monday in February, June and October.
22. Acts of 1899, Chapter 427, brought about a complete reorganization of the lower judicial system, being enacted only a short time after the Act mentioned in Item 21, above. Fourteen Judicial Circuits were formed of which the 11th Judicial Circuit included the counties of Maury, Lawrence, Giles, Wayne, Perry, Hickman and Lewis. The terms of the circuit court in Lewis County were set for the fourth Monday in February, July and October.
23. Acts of 1903, Chapter 18, changed the terms of court in the 11th Judicial Circuit which was composed now of the counties of Lawrence, Giles, Maury, Hickman, Wayne and Lewis. The Court in Lewis County would take up the docket on the second Monday in February, the third Monday in May, and the first Monday in November of each year.
24. Private Acts of 1911, Chapter 399, rescheduled the terms of the circuit court of Lewis County only, which would hereafter be held on Tuesday after the second Monday in February, after the third Monday in May, and after the first Monday in November.
25. Private Acts of 1919, Chapter 813, assigned the counties of Williamson, Cheatham, Hickman, Perry and Lewis to the 17th Judicial Circuit and scheduled their terms of court. In Lewis County the terms would begin on the first Monday in February, May and October.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rewrote the laws for all the lower court structure in the State, being the last act of this nature to appear in the volumes of Private Acts. The Circuit Courts of the State were formed into twenty Judicial Circuits of which the 17th Circuit was made

up of the counties of Williamson, Cheatham, Hickman, Perry and Lewis. In Lewis County the terms of Court would start on the first Monday in February, May and October.

27. Public Acts of 1937, Chapter 196, authorized the Judge of the 17th Judicial Circuit to appoint a Minute Clerk in each County in the Circuit, who would serve a two year term and be appointed at the same time the foreman of the Grand Jury is appointed, their terms to run concurrently. The Clerk, who must meet the qualifications specified in the Act, would serve also as a member of the Grand Jury. He would be paid \$4 per day for each day the Grand Jury was in session. The Clerk must be sworn to secrecy in the same manner as anyone else connected with the Jury would be.
28. Public Acts of 1949, Chapter 230, changed the terms of court in the 17th Judicial Circuit, which now contained the counties of Williamson, Cheatham, Perry, Hickman and Lewis where the Court would meet on the first Monday in February, May and October.
29. Public Acts of 1974, Chapter 709, created an additional judge for the 17th Judicial Circuit, to be first elected in August 1974. The two judges for the circuit were to be separately designated on the ballot. The Act made two divisions with the presiding judge of the circuit holding Division I and the additional judge holding Division II. The act defined the responsibilities of the two judges.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, was a salary act which applied to Circuit Court Clerks only but paid them according to the population class of the county in which they worked. The Clerks were required to file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees were less than the salary, the county would make up the difference, but if the fees were more than the salary, the Clerk could retain the excess. According to our information the Circuit Court Clerk of Lewis County would have been paid \$500 annually under the terms of this Act.
2. Private Acts of 1921, Chapter 735, amended Acts of 1903, Chapter 255, above, to provide that in Lewis County (identified by the use of the 1920 Federal Census figures) the Circuit Court Clerk would be compensated at the rate of \$750.00 annually, all other terms and conditions to remain as they were.
3. Private Acts of 1931, Chapter 465, allowed the Circuit Court Clerk to employ an auctioneer to assist in public sales when one was needed.

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

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

1. Acts of 1835-36, Chapter 28, was passed shortly after the adoption of the 1835 Constitution. This Act made each Solicitorial District in the State coincide with the Judicial Circuits which had criminal jurisdiction.

### **General Sessions Court**

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

1. Private Acts of 1941, Chapter 509, created the Court of General Sessions for Lewis County and is published herein in full with its amendments.
2. Private Acts of 1949, Chapter 376, amended Private Acts of 1941, Chapter 509, Item One, above, by deleting Section 7 as it appeared and inserting the Section 7 seen herein.
3. Private Acts of 1953, Chapter 550, amended Private Acts of 1941, Chapter 509, Item One, above, by deleting Section 7 as it appeared and inserting the Section 7 seen herein.
4. Private Acts of 1968, Chapter 474, amended Private Acts of 1949, Chapter 376, Item 2, above, by changing the amount of fifty cents to be paid to the Clerk for every cause entered on the Execution Docket to the "fees common to all Clerks." This Act was properly ratified by the Quarterly Court. (The Section Seven which was amended by Private Acts of 1949, Chapter 376, and which contained those provisions amended by this Act, was deleted from the original Act as written and was superseded by the Section appearing herein, all according to Private Acts of 1953, Chapter 550, above. It would seem that Private Acts of 1949, Chapter 376, went out with the deletion.)
5. Private Acts of 1969, Chapter 168,, amended Private Acts of 1953, Chapter 550, Item 3, above, by raising the annual salary of the Judge of the General Sessions Court from \$1500 to \$5,000.

(See the note at the beginning for the current salary of the General Sessions Judge.)

6. Private Acts of 1974, Chapter 316, amended Private Acts of 1941, Chapter 509, as amended, by rewriting Section 7, thereof, to provide that the General Sessions Court of Lewis County would be presided over by a General Sessions Judge, who must be thirty years of age, or older, a resident of the county and a practicing attorney. The present Judge would serve until the conclusion of his term, September 1, 1974, when his successor who would be elected in the August, 1974, general election, would assume the office. The term of office would then be 8 years. The Circuit Court Clerk would serve as the Clerk of this Court instead of the County Court Clerk. This Act was rejected by the Quarterly Court of Lewis County and consequently never became an effective law under the Home Rule Amendment to the Tennessee Constitution.

#### **Secretarial Assistance**

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

1. Public Acts of 1939, Chapter 13, provided for the payment of seven hundred twenty (\$720) dollars per annum for stenographic services to the Judge of the Seventeenth Judicial Circuit.
2. Public Acts of 1963, Chapter 279, amended Item One, above, to allow three thousand (\$3,000) dollars per annum to defray such stenographic expense, the same to be paid from the general fund of the State.

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