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

1. Private Acts of 1921, Chapter 63, was applicable to Henry County only according to the population figures quoted in the caption and the body of the Act. Some indexes of private acts listed this law as applying only to Haywood County but this was not true until Private Acts of 1923, Chapter 254, brought it into effect for Haywood and Gibson Counties. The Board would be composed of three members, who were citizens of good moral character, not attorneys or county officials, and who did not have a suit pending in Court. They were appointed for two year terms by the judges of the district. On the first Wednesday of the month preceding the opening of court, the Board would meet and select 30 names, ten each by a commissioner, from the tax rolls or other public sources. Each Commissioner would initial his particular nominees and all of them would certify the entire list. The grand and petit juries for the county would be selected from this list according to law. Provisions were incorporated for choosing and summoning special jury panels and for replacing a Commissioner if he were absent. Each Commissioner would get \$5 for each list he submitted. The Circuit Court Clerk would keep the lists secret and secure. The Sheriff would summon the jurors at the proper time.
2. Private Acts of 1923, Chapter 254, amended Private Acts of 1921, Chapter 63, so as to make that Act apply to Haywood and Gibson Counties and also to both courts if there were two courts if this type in the county.
3. Private Acts of 1951, Chapter 492, amended Private Acts of 1923, Chapter 254, by removing the population figures which made Private Acts of 1921, Chapter 63, applicable to Haywood County thus rendering that law ineffective in Haywood.
4. Private Acts of 1951, Chapter 493, created a Board of Jury Commissioners for Haywood County consisting of three members whose qualifications were the same as those in Chapter 63 of 1921 but who would serve out staggered three year terms. The County Judge would appoint someone to fill temporarily any vacancy. The members would take an oath of secrecy, organize by electing a chairman, and meet at specified times. The Circuit Court Clerk would serve as Clerk to the Board. The Board would select at least 500 names from the tax rolls or other sources of public information, or as many as may be considered necessary, from which the grand and petit juries would be chosen. Special panels could be summoned in the manner provided by the Act. The list would be certified by the entire Board and each member would place his initials beside the name of the persons he selected in the book in which the law required their names to be entered. The names would also be placed on cards which would be put into a box and kept under lock and key. From 10 to 15 days before court opened, the required number of cards would be drawn from the box by a child not over 12 years of age. These names would be listed, sent to the Sheriff no less than five days before court, who would summon those people to serve as jurors. No one could be excused by the Judge and then only for the reasons mentioned in the Act.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Haywood 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 1824 (Ex. Sess.), Chapter 14, provided that the Justice of the Supreme Court should make arrangements to hold the Chancery Courts twice a year all across the state. All counties west of the Tennessee River would have their chancery court at Jackson in Madison County on the second Monday in April and October.
2. Acts of 1825, Chapter 318, changed the court term for all the chancery courts of the counties west of the Tennessee River which would be held at Jackson to the fourth Monday in March and September.
3. Acts of 1827, Chapter 79, divided the State into two chancery divisions. The courts would be held by two Chancellors appointed by the General Assembly thus relieving the Supreme Court Judges of this task. The Chancellors would have the same powers exercised formerly by the Supreme Court Judges and draw a salary of \$1,500 a year. The Courts in the Western Division would be held at Franklin, Columbia, Charlotte, Jackson and Paris.
4. Acts of 1835, Chapter 4, separated the State into three major chancery divisions, and subdivided

those into smaller ones. Another Chancellor was appointed to hold court. Haywood is in the Sixth District of the Western Division along with Tipton and Lauderdale Counties. Courts would continue to be held twice a year as long as there was business before the court.

5. Acts of 1839-40, Chapter 21, Section 17, provided that the Chancery Court for Haywood County would thereafter be held at Brownsville on the second Monday in May and November.
6. Acts of 1843-44, Chapter 155, Section 4, stated that after the passage of that act the Chancery Court at Brownsville would be on the first Monday in May and November, all process being made to conform to that date.
7. Acts of 1845-46, Chapter 21, Section 10, changed the starting dates for the Chancery Court in Haywood County back to the second Monday in May and November.
8. Acts of 1855-56, Chapter 158, Section 3, established new times for the chancery court terms in the Western Division which consisted of Henry, Weakley, Obion, Dyer, Gibson, Fayette, Tipton, Hardeman, Lauderdale, Madison and Haywood Counties whose court terms would commence on the fourth Monday in February and August.
9. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. Haywood was assigned to the Western Division and the court terms were still scheduled to begin on the fourth Monday in February and August.
10. Acts of 1866-67, Chapter 33, Section 5, created a separate Chancery Division for Madison, Dyer, Gibson and Haywood Counties. A chancellor would be elected, or appointed, to hold the courts mentioned above according to the times now set under the law.
11. Acts of 1870, Chapter 32, reorganized Tennessee into twelve Chancery Divisions. The 10th Chancery Division was made up of Madison, Hardeman, Haywood, Tipton, Fayette and Lauderdale Counties.
12. Acts of 1870, Chapter 47, scheduled terms of court for all the Chancery Courts in the State. Haywood's courts would start on the second Monday of February and August.
13. Acts of 1883, Chapter 192, provided that hereafter the February term of the Chancery Court of Haywood County at Brownsville would be held on the first Monday in February each year instead of the second Monday as heretofore, repealing all laws in conflict herewith.
14. Acts of 1885 (Ex. Sess.), Chapter 20, Section 3, divided the State into eleven Chancery Divisions. The 10th Division consisted of Fayette, Tipton, Haywood, Lauderdale, Dyer, Obion, Weakley and Gibson Counties. Courts would commence in Haywood County on the first Monday in January and July. This Act was part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
15. Acts of 1889, Chapter 23, changed the term times for all the courts in the 10th Chancery Division. Haywood County would commence the terms of the Chancery Court on the first Monday in March and September at Brownsville, all process to be made conformable to those dates.
16. Acts of 1895, Chapter 99, changed the schedule for Chancery Court terms in all the counties of the 10th Chancery Division. Haywood County will begin the Chancery Court at Brownsville on the first Monday of March and September.
17. Acts of 1899, Chapter 427, reorganized all the lower court system in Tennessee. The State was divided into ten Chancery Divisions in which the 9th was made up of Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton and Hardeman Counties. Court terms would begin in Haywood County on the fourth Monday in April and October.
18. Acts of 1903, Chapter 591, changed the court dates for some of the counties in the 9th Chancery Division but Haywood County would continue to start on the fourth Monday in April and October.
19. Public Acts of 1931 (Ex. Sess.), Chapter 38, reorganized the entire system of equity jurisdiction into thirteen regular and one special chancery divisions. The Ninth Chancery Division was composed of Dyer, Fayette, Gibson, Lake, Haywood, Lauderdale, Obion, Tipton and Weakley Counties. Terms started in Haywood on the same fourth Monday in April and October.

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

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

1. Acts of 1837-38, Chapter 117, provides that the Clerks and Masters of the Chancery Court held in the cities of Somerville, Huntington, Charlotte, and Brownsville will continue to hold their jobs until the term for which they were appointed is completed.
2. Private Acts of 1909, Chapter 328, set the compensation of the Clerk and Master of Haywood

County, using the census figures of 1900, at \$1,000 per year, provided he filed a sworn, itemized statement at the January meeting of the Quarterly County Court showing the amount of fees collected by his office during the preceding year. If the fees were less than the salary, the county would pay the difference to the Clerk and Master. If the fees exceeded the salary, the Clerk and Master was allowed to retain them. This Act also applied to Robertson County.

3. Private Acts of 1915, Chapter 163, provided that women over the age of 21 years and residents of the county were appointed, were eligible to serve as deputies in the office of the Clerk and Master of the Chancery Courts in Morgan, Campbell and Haywood Counties with all rights, powers, duties and obligations as other deputy Clerks and Masters.
4. Private Acts of 1929, Chapter 853, stated that the Clerk and Master of Haywood County, using Federal census figures of 1920, will be paid a salary of \$1,800 a year. If the fees of the office should exceed that amount, the Clerk and Master may retain them and the fees he receives as a Receiver or a Special Commissioner, wherein he was appointed as such, will not be taken into account when totaling the fees of the office. At the end of the calendar year, he shall file a verified report showing the amount of fees collected, as set out above, and, if they should be less than the salary, the County Judge will issue a warrant for the difference.
5. Private Acts of 1933, Chapter 593, provided that the Clerk and Master of Haywood County shall not be entitled to receive more than \$1,500 as compensation for his services during anyone year of his term, and this shall be payable out of the fees of his office only. This Act is not intended to modify or interfere with Sections 10728 through 10747, of Tennessee Code.

### **Circuit Court**

The following acts were once applicable to the circuit court of Haywood 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 1823, Chapter 41, established the time for holding Court in the 8th and 9th Judicial Circuits. Haywood County's Circuit Court would begin on the first Monday in June and December.
2. Acts of 1824 (Ex. Sess.), Chapter 102, changed some of the court schedules for the Circuit Courts in the 8th and 9th Circuits. Haywood was assigned to the third Monday in March and September.
3. Acts of 1825, Chapter 318, changed the Circuit Court starting dates for the terms in Haywood County to the fourth Monday in June and December.
4. Acts of 1827, Chapter 53, changed the Circuit Court terms in Haywood County to make them begin on the first Monday in January and July.
5. Acts of 1835, Chapter 5, divided Tennessee into eleven Judicial Circuits. The Tenth Circuit was composed of Perry, Henderson, Madison, Tipton, Lauderdale and Haywood Counties whose circuit court terms would begin on the fourth Monday in February, June and October. Circuit Court being required to have three terms per year for the first time.
6. Acts of 1837-38, Chapter 116, Section 6, set different court dates for the counties in the 10th Judicial Circuit. Haywood County would start the terms of the Circuit Court on the first Monday in February, June and October.
7. Acts of 1839-40, Chapter 21, Section 15, changed the starting times for the Circuit Court in Haywood County to the second Monday in February, June and October.
8. Acts of 1843-44, Chapter 155, Section 2, also altered the starting dates in the 10th Judicial Circuit switching Haywood County to the fourth Monday of February, June and October.
9. Acts of 1851, Chapter 52, stated that the Circuit Court for Haywood County would hereafter be held on the fourth Monday in February, June and October of each year. This act was repealed by the one below.
10. Acts of 1853-54, Chapter 109, repealed the 1851 act above, but set the same dates for the court terms to begin, the fourth Monday in February, June and October.
11. Acts of 1855-56, Chapter 158, Section 4, changed the starting dates of the Circuit Court of Haywood County to the first Monday in March, July and November.
12. Acts of 1857-58, Chapter 82, leaves the court terms for the Circuit Court as they are stated above, but provided that the first term of court to be held after the passage of this act would be in accordance with the old schedule.
13. Acts of 1857-58, Chapter 98, reorganized the lower judicial structure of Tennessee into sixteen Judicial Circuits. The 14th Circuit was made up of Madison, Henderson and Haywood Counties whose Court dates were set for the fourth Monday of January, May and September.

14. Acts of 1865, Chapter 37, abolished the 14th Judicial Circuit and attached Madison and Haywood Counties to the 15th Judicial Circuit.
15. Acts of 1865-66, Chapter 8, Section 3, revived the 14th Judicial Circuit composed of Madison, Henderson and Haywood Counties. Hardeman County was then added to the Circuit and the statement made that the court terms would begin as they were then required by law.
16. Acts of 1865-66, Chapter 14, rearranged the initial dates for the Circuit Court terms in the 14th Judicial Circuit composed of the same four counties. Haywood County would commence on the first Monday in January, May and September.
17. Acts of 1865-66, Chapter 72, again rescheduled the starting days for the Circuit Court in Haywood and Madison Counties. Haywood would begin on the fourth Monday in January, May and September.
18. Acts of 1870, Chapter 31, reorganized all the Circuit Courts in Tennessee into fifteen regular and one special judicial circuits. The 13th Judicial Circuit was composed of Dyer, Gibson, Haywood and Madison Counties, and a special court at Humboldt.
19. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts for every County in the State. Haywood County's Circuit Court would start its terms on the third Monday in March, July and November.
20. Acts of 1873, Chapter 28, changed court terms for some of the counties in the 13th Judicial Circuit, Haywood going to the first Monday instead of the third Monday in March, July and November.
21. Acts of 1875, Chapter 137, Section 2, rescheduled court terms for all the counties in the 13th Judicial Circuit. The Circuit Court at Brownsville would start on the fourth Monday in February, and the third Monday in June and October.
22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special Judicial Circuits. The counties of Obion, Weakley, Henry, Carroll, Gibson, Crockett, Benton and Haywood comprised the 12th Judicial Circuit. The terms of court in Haywood County would commence on the fourth Monday in February, and the third Monday in June and October. This law was the basis of the litigation in *Flynn v. State*, 202 Tenn. 341, 313 S.W.2d 249 (1958), although the criminal court in Memphis was the only one involved.
23. Acts of 1887, Chapter 94, Section 3, changed the dates of the court terms for all the counties in the 12th Judicial Circuit. Haywood County would start the terms of the Circuit Court at Brownsville on the fourth Monday in April, August and December.
24. Acts of 1889, Chapter 15, rescheduled the court terms for the counties in the 12th Judicial Circuit. The Circuit had Obion, Carroll, Henry, Weakley, Gibson, Crockett and Haywood Counties in it. Haywood would start on the third Monday in April, August and December.
25. Acts of 1891, Chapter 38, created a new 18th Judicial Circuit with the counties of Carroll, Gibson, Crockett and Haywood in it. Court would begin in Haywood on the second Monday in April, August and December.
26. Acts of 1899, Chapter 409, changed the court terms in all the counties of the 18th Judicial Circuit. Haywood County's Circuit Court would start its terms on the first Monday in February, June and October.
27. Acts of 1899, Chapter 427, restructured all the lower courts of the State. Of the fourteen Judicial Circuits, Crockett, Benton, Haywood, Carroll, Henry and Gibson Counties made up the 13th. Court dates for Haywood County were the fourth Mondays in January, May and September.
28. Public Acts of 1931 (Ex. Sess.), Chapter 38, organized Tennessee into twenty Judicial Circuits. The 13th Circuit was made up of Crockett, Haywood, Carroll, Henry and Gibson. Haywood would start terms of court on the fourth Monday in January, May and September.
29. Public Acts of 1965, Chapter 204, amended Section 16-226, Tennessee Code Annotated, by rewriting the part dealing with the schedule of court terms for the counties in the 13th Judicial Circuit which was now composed of Crockett, Gibson, Henry and Haywood Counties. The court terms in Haywood would begin on the same dates, the fourth Monday in January, May and September.

### **Circuit Court - Clerk**

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

1. Public Acts of 1903, Chapter 255, was a state-wide salary act which concerned Circuit Court

Clerks only. The salary was determined by the population class of the county and generally followed otherwise the pattern of prior salary acts. The Federal Census of 1900 was used as a guide. According to our figures for that date, Haywood County had a population of 25,189 which would have provided the Circuit Court Clerk with an annual salary of \$1,000 under this law.

2. Private Acts of 1911, Chapter 675, amended Public Acts of 1903, Chapter 255, above, by increasing the salary of the Circuit Court Clerks in those counties which have a Law Court in addition to a Circuit Court, and where a separate office is to be kept for such Law Court by the Circuit Court Clerk, or a Deputy, to \$1,500 per year. Haywood County was among the few to which this Act applied.
3. Private Acts of 1917, Chapter 58, amended Private Acts of 1915, Chapter 638, by striking the figures for population of 29,910 and 29,906, and inserting the figures of 25,909 and 25,907 in place of them. The 1915 Act was intended to apply to Lincoln County but did not do so because of the error. If this amendment was purposed to have the Act apply to Haywood County (as it seems), it still fell short of its population quotations, the 1910 census figure for Haywood being 25,910.
4. Private Acts of 1929, Chapter 270, established the salary of the Circuit Court Clerk of Haywood County, using the 1920 Federal Census, at \$1,500 a year, provided that the Clerk file a sworn, itemized statement with the County Judge, or Chairman, by January 10 showing the total amount of the fees collected in that office for the preceding year. 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 was allowed to keep the difference.
5. Private Acts of 1931, Chapter 671, stated that the Circuit Court Clerk of Haywood County would be paid an annual salary of \$900 per year at the rate of \$75 per month which would be in addition to all the fees collected in the office which he was permitted to keep.
6. Private Acts of 1937, Chapter 70, set a salary of \$1,200 a year, payable \$100 a month, for the Circuit Court Clerk of Haywood County, which would come from the regular funds of the county and be in addition to all the fees collected in the office of the Clerk which he was allowed to retain.

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

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

1. Public Acts of 1967, Chapter 181, created the position of criminal investigator for the 13th Judicial Circuit.
2. Public Acts of 1969, Chapter 167, created the office of Assistant District Attorney for the 13th Judicial Circuit.
3. Public of Acts 1972, Chapter 663, created an additional Assistant District Attorney for the 13th Judicial District.
4. Public of Acts 1977, Chapter 371, created a third full-time Assistant District Attorney for the 13th Judicial Circuit.

#### **Secretarial Assistance**

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

1. Public Acts of 1951, Chapter 36, created office of stenographer to the Judge of the Thirteenth Judicial District.
2. Public Acts of 1957, Chapter 150, set the compensation payable to the Stenographer to the Chancellor of the Ninth Chancery Division at \$2,400 per year, payable monthly from the State Treasury, provided that none of the provisions with reference to the method of payment as contained in Public Acts of 1943, Chapter 125, as amended, are affected by this Act.
3. Public Acts of 1963, Chapter 308, amended Public Acts of 1951, Chapter 36, by increasing the salary of the Stenographer to the Judge of the 13th Judicial Circuit from \$900 to \$1,800 per year, as indicated above.
4. Public Acts of 1963, Chapter 309, amended Public Acts of 1957, Chapter 150, above, by increasing the salary of the Chancellor's Stenographer from \$2,400 to \$3,600 and changing nothing else.
5. Public Acts of 1967, Chapter 137, also amended Public Acts of 1957, Chapter 150, above, by increasing the salary of the Stenographer to the Chancellor from \$3,600 to \$4,800.

#### **Court System**

The following private acts which at one time were a part of the Court History of Haywood County but are no longer effective are listed herein for historical purposes.

1. Acts of 1867-68, Chapter 46, changed the place for holding the Western Division of the State Supreme Court from Jackson, in Madison County, to Brownsville, in Haywood County. The Clerk at Jackson would transfer all writs and the records of the cases on appeal to Brownsville immediately.
2. Acts of 1869-70, Chapter 18, moved the Western Division of the Supreme Court from Brownsville back to Jackson. All the papers, records on appeal, furniture and accessories shall all be transferred back to Jackson and Madison County will pay for all the expenses incurred by the move. The first two days of the ensuing term would be held at Brownsville to dispose of and care for criminal matters.
3. Private Acts of 1959, Chapter 329, authorized Haywood County to pay tales jurymen in all courts the same compensation per day, mileage, and ferriage, as was being paid to regular jurors, whenever the tales jurymen were legally and duly summoned to appear in court for jury service whether they were accepted as jurors or not. The per diem would be paid in the same manner as the other jurors were paid.

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