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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 Jackson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 73, apportioned the number of jurors to be returned by the counties of the Mero District. Jackson County was required to return two jurors.
2. Acts of 1805, Chapter 36, provided that from and after the passage of this Act any householder, or any person holding land by bond or by entry, shall be competent in all respects whatsoever to serve as jurors in Jackson and Stewart Counties as if they were freeholders, any law to the contrary notwithstanding.
3. Acts of 1806 (Ex. Sess.), Chapter 24, apportioned the number of jurors to be returned by the counties of the Winchester District. Jackson County was required to send twelve jurors.
4. Acts of 1817, Chapter 128, authorized the Justices of the Peace to annually levy a tax for the purpose of providing additional compensation to the jurors attending the county and circuit courts. The additional compensation was limited to fifty cents per day.
5. Acts of 1831, Chapter 14, authorized William Locke, William Gilbreath and John McArver, three of the Justices of the Peace, in Jackson County, to designate a jury for the next term of the County Court in consequence of a failure on the part of the County Court at its last term to do so.
6. Private Acts of 1927, Chapter 427, created a Board of Jury Commissioners for Jackson County which would consist of three discreet men of the county who were not attorneys nor county officials, and who had no suit pending in court. They would be appointed by the Judge of the Criminal Court to serve terms of two years, the first members serving until the first Monday in July, 1929. The Clerk of the Court would notify the members of their selection within ten days of their appointment. They would meet at the courthouse within 10 days and take the oath specified in the act and select a chairman and a secretary. On the first Monday of the month preceding the month in which the regular term of the criminal court is held, they would meet at the courthouse and select from the tax books and other sources a list of 36 names for the Criminal Court and 18 names for the Circuit Court. The Clerk would enter the names of those chosen on a book especially set aside for that purpose and would place the initials of the board member selecting that person beside his name. All members of the board were required to approve the entire list when it was completed. These people selected would make up the grand and petit jurors for that term of court, the criminal court coming out of the 36. Provision was made for special terms of court. The board members would be paid \$3.00 for making out the jury lists. The list would be given to the clerk who would pass it on to the sheriff to summon the jurors at the proper time. The judge who could appoint the board members could also remove them for several reasons. This act was repealed by Private Acts of 1933, Chapter 539.
7. Private Acts of 1929, Chapter 32, amended Private Acts of 1927, Chapter 427, by directing the Board to select 50 names for the criminal court instead of 36.
8. Private Acts of 1933, Chapter 539, expressly repealed Private Acts of 1927, Chapter 427, which created a Board of Jury Commissioners for Jackson County. After the effective date of this act the quarterly county court will appoint the jurors, as provided by general law, and those appointed shall begin to serve after the term of the present jurors who were appointed by the Board under Chapter 427, ends.
9. Private Acts of 1941, Chapter 446, created a new three member Board of Jury Commissioners for Jackson County who would be appointed by the Judge of the Criminal Court for two year terms. This Board was required to select 45 names from the tax rolls, or other public sources of information from which list the grand and petit juries would be selected. Provisions for the selection of special panels or juries, were included in the act. The members of the Board would be paid \$5.00 for making out each list. Provision was expressly made that substantial compliance with the terms of this act would be sufficient. This act was repealed by Private Acts of 1949, Chapter 45.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Jackson 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 1806, Chapter 19, subdivided the Mero District into three districts of Mero, Winchester, and Robertson. Jackson, Smith, and Wilson Counties went into the Winchester District. There would be two superior courts and a court of equity, to be held every year at Carthage. The superior courts would meet on the third Monday in April and October of each year and continue for twelve judicial days. All jurisdiction possessed by the former courts was granted unto the new courts.
2. Acts of 1822 (Ex. Sess.), Chapter 13, provided that the Justices of the Supreme Court of Errors and Appeals shall hold the Chancery Court at the places where the Supreme Court is held in each circuit at least once each year.
3. Acts of 1824 (Ex. Sess.), Chapter 14, added two new Judges to the Tennessee Supreme Court which would thereafter be held at Knoxville, Sparta, and Nashville. The Judges would arrange among themselves to hold the Chancery Court twice a year. The court at Carthage would hear equity cases from Overton, Fentress, Jackson, Smith, Sumner, and Wilson Counties on the third Monday in May and November.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, the Eastern and the Western. The Eastern Division would consist of the courts conducted in the cities of Rogersville, Greenville, Kingston, Carthage (which would include Jackson County), and McMinnville. A Chancellor would be appointed by the General Assembly for each Division and the Judges of the Supreme Court would no longer exercise original Chancery jurisdiction.
5. Acts of 1827, Chapter 88, provided that the Chancellors are Chancellors of the State, that they may interchange among themselves, and that they would arrange to hear cases at least twice each year at the places designated. The court at Carthage would hear causes from Overton, Fentress, Jackson, Smith, Sumner, and Wilson counties on the third Monday in January and July. This act amends Acts of 1827, Chapter 79.
6. Acts of 1832, Chapter 19, changed the dates for holding the Chancery Courts in the Eastern Chancery Division which now contained the courts of Rogersville, Greeneville, Madisonville, Kingston, Monroe, Knoxville, McMinnville, and Carthage where court would open on the third Monday in January and July, and continue in session for two weeks if required.
7. Acts of 1832, Chapter 21, changed the schedule for the Chancery Court at Carthage to the second Monday in January and July.
8. Acts of 1835-36, Chapter 4, provided for the appointment of three Chancellors for the State, one to preside in each of the three Chancery divisions, who could also interchange with each other. Fentress, Overton, and Jackson counties were assigned to the First District of the Middle Division whose court would meet in Livingston on the first Monday in January and July. The Chancellor would appoint a Clerk and Master for each place and all process would be made to conform to the new system.
9. Acts of 1837-38, Chapter 116, rescheduled the opening dates of the chancery court at Livingston to the first Monday in March and September, but these changes would not begin until the second term in this year.
10. Acts of 1837-38, Chapter 184, provided that all suits in Chancery originating in Jackson County may be brought either in the court at Livingston, or in the court at Carthage, at the election of the complainant.
11. Acts of 1839-40, Chapter 21, established a Chancery Court for Jackson County. The court would be held at Gainesboro on the first Monday in May and November.
12. Acts of 1839-40, Chapter 33, divided Tennessee into four Chancery divisions, the new division being made up of the courts which meet in the cities of Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville. All courts would continue to observe their regular terms.
13. Acts of 1845-46, Chapter 82, changed the court terms for the Chancery Courts in the Fourth Division with the court at Gainesboro meeting on the Wednesday after the fourth Monday in January and July. This division now held the courts which met at Lafayette, Winchester, Sparta, Livingston, Smithville, McMinnville, Woodbury, and Gainesboro.
14. Acts of 1849-50, Chapter 213, changed the starting dates for the Chancery Court at Gainesboro in Jackson County to the Wednesday after the second Monday in January and July.
15. Acts of 1851-52, Chapter 331, amended Acts of 1849-50, Chapter 213, to require the Chancellor of the Fourth Division to hold the court at Gainesboro so that the court shall open on the first Wednesday after the first Monday in February and on the first Wednesday after the second

Monday in July.

16. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Jackson County was in the Fourth Division with Wilson, Macon, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford. Court would open at Gainesboro on the first Monday in February and the second Monday in July.
17. Acts of 1859-60, Chapter 14, created a Seventh Chancery Division which contained the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart. The Chancellor of this Division would also hold the Circuit Courts for Sumner County. The Court at Gainesboro would commence on the second Monday of February and August.
18. Acts of 1866-67, Chapter 25, changed the opening dates for the Chancery Court at Gainesboro in Jackson County from the second Monday to the first Monday in February and August.
19. Acts of 1868-69, Chapter 18, set up the schedule for some of the Chancery Courts of the Seventh Chancery Division but left the Jackson County Chancery Court to meet at Gainesboro on the first Monday of February and August.
20. Acts of 1870, Chapter 32, reorganized the lower equity courts in Tennessee into twelve Chancery Districts. The Fifth District was composed of the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay.
21. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Courts for every county in the state assigning Jackson County to the fourth Monday in April and October.
22. Acts of 1875, Chapter 137, provided that the Chancery Court of Jackson County would hereafter be held on the second Monday in March and the fourth Monday in September.
23. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State, creating eleven Chancery Divisions of which the Fifth Division was made up of the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, and Macon. Court terms in Jackson County would begin on the first Monday in March and September. This statute was considered in the case of *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958), although only the Criminal Court in Memphis was involved.
24. Acts of 1887, Chapter 129, stated that hereafter the Chancery Court of Jackson County would be held on the first Monday in February and September, all other laws to the contrary notwithstanding.
25. Acts of 1890 (Ex. Sess.), Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the starting dates of the Chancery Court terms of some of the counties in the Fifth Chancery Division but did not change Jackson County.
26. Acts of 1891 (Ex. Sess.), Chapter 11, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the Chancery Court terms for all the counties in the Fifth Chancery Division shifting Jackson County to the third Monday in March and September.
27. Acts of 1895, Chapter 15, changed some of the Chancery Court terms of the counties in the Fifth Chancery Division but left Jackson County's terms on the third Monday in March and September.
28. Acts of 1897, Chapter 43, amended Acts of 1885 (Ex. Sess.), Chapter 20, by making it the duty of the Chancellor of the Fifth Chancery Division to hear any nonjury civil cases in the circuit courts of Jackson County which were not tried by the Circuit Judge at the first term. The Chancery Court would be held on the third Monday in March and September.
29. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, by changing chancery court terms for some of the counties but did not change Jackson County.
30. Acts of 1899, Chapter 427, rescheduled and rearranged all the courts in the lower judicial system of Tennessee, creating a total of ten Chancery Divisions. The Fourth Division contained the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Chancery Court would begin in Jackson County on the third Monday in March and September.
31. Acts of 1903, Chapter 97, rearranged the court terms for the counties in the Fourth Chancery Division switching Jackson County to start its Chancery Court terms on the second Monday in June and December.
32. Acts of 1905, Chapter 120, changed all the Chancery Court terms in the Fourth Division. Jackson County would start on the first Wednesday after the third Monday in March and September.
33. Private Acts of 1911, Chapter 507, changed all the court terms of the Chancery Courts in the

Fourth Chancery Division. The division consisted of the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Van Buren, DeKalb, Morgan, White, Putnam, and Jackson which was scheduled for the third Monday in April and October.

34. Private Acts of 1927, Chapter 40, altered the starting dates for several counties in the Fourth Chancery Division but did not affect Jackson County.
35. Private Acts of 1927, Chapter 406, adjusted the terms of two of the counties in the Fourth Chancery Division but did not affect Jackson County.

### **Circuit Court**

The following acts were once applicable to the circuit court of Jackson 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 1809, Chapter 49, divided Tennessee into 5 Judicial Circuits. The Third Circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Court terms would be twice each year at the courthouse in Jackson County on the third Monday in March and September. The Judge would appoint a clerk for the court of each county over whose court he presides. The Superior Courts of Law and Equity were abolished.
2. Acts of 1812, Chapter 68, Section 3, changed the terms of the circuit courts in several of the counties, including Jackson where the terms of the court would begin on the third Monday in February and August of each year.
3. Acts of 1813, Chapter 134, rescheduled the terms of several counties' Court of Pleas and Quarter Sessions and changed the circuit court terms of Jackson County to the third Monday in March and September.
4. Acts of 1817, Chapter 138, reset the terms of the circuit courts for several counties, mentioning Jackson but left the circuit court to start on the third Monday in March and September.
5. Acts of 1819, Chapter 5, authorized and required the county court of Jackson County at the end of the November session to adjourn the circuit court to any house in Gainesboro which might be available for that purpose and to make all process conform to the change. Cases will be heard and determined under same rules of law and evidence as applied when the court met at Williamsburg.
6. Acts of 1819, Chapter 160, provided that the circuit court of Jackson County would meet at Gainesboro on the third Monday in February and August. Jackson County was part of the Third Judicial Circuit along with Overton, White, Warren and Smith counties.
7. Acts of 1820 (Ex. Sess.), Chapter 98, changed the starting dates for the circuit court at Gainesboro in Jackson County to the second Monday in February and August.
8. Acts of 1821, Chapter 172, changed the opening dates for the circuit courts of several counties in the Third Judicial Circuit. Circuit Court of Jackson County would begin on the fourth Monday in March and September at the courthouse in Gainesboro and continue for two weeks unless the docket was finished earlier, all process would be made to conform to these changes.
9. Acts of 1832, Chapter 20, set the dates for the circuit court of Jackson County to begin on the third Monday in March and September.
10. Acts of 1835-36, Chapter 5, reorganized the entire lower court system of the State, providing for the Circuit Courts to be held three times a year instead of twice. Eleven Judicial Circuits were formed of which the Fourth was made up of the counties of Smith, Overton, White, Fentress, Warren, and Jackson whose Circuit Court would meet on the second Monday in March, July, and November.
11. Acts of 1835-36, Chapter 94, stated that, after March 1, 1836, the Circuit Courts for Jackson County would be held on the third Monday in March, July, and November, all process being made to conform.
12. Acts of 1845-46, Chapter 82, changed court terms in the Fourth Judicial Circuit composed of the counties of DeKalb, White, Fentress, Overton, Macon, Smith, and Jackson, whose courts would begin on the first Monday in March, July, and November.
13. Acts of 1847-48, Chapter 125, declared that hereafter two weeks shall be allowed for holding the Circuit Courts of Jackson County instead of one.
14. Acts of 1857-58, Chapter 98, rearranged all the Circuit Courts of Tennessee into sixteen Judicial Circuits. The 6th Judicial Circuit contained the counties of Jackson, Macon, Smith, Putnam, and DeKalb. Jackson County Circuit Courts would start on the fourth Monday in February, June, and October.

15. Acts of 1859-60, Chapter 62, changed the days on which the terms of the Circuit Court of Jackson County would commence to the first Monday in March, July, and November.
16. Acts of 1870 (Ex. Sess.), Chapter 31, rearranged the counties of Tennessee into fifteen regular and one special Judicial District. The Fifth Judicial Circuit contained DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay Counties.
17. Acts of 1870 (Ex. Sess.), Chapter 46, set the terms of the Circuit Courts for every county in the State. Jackson County would begin the terms on the third Monday in January, May, and September.
18. Acts of 1872 (Ex. Sess.), Chapter 15, amended Acts of 1870 (Ex. Sess.), Chapter 46, rescheduling all the terms of the Circuit Courts in the Fifth Judicial Circuit and shifting Jackson County to the second Monday in January, May, and September.
19. Acts of 1881, Chapter 92, changed all the court terms of the counties in the Fifth Judicial Circuit. The Circuit Courts of Jackson County shall begin on the first Tuesday after the second Monday in January, May, and September. 20. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into fourteen regular and one special Judicial Circuit. The Fifth Judicial Circuit contained the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale. Circuit Courts would start at Gainesboro on the first Tuesday after the second Monday in March, July, and November.
20. Acts of 1887, Chapter 12, changed terms for the Circuit Courts of the counties in the Fifth Judicial Circuit. Jackson County would begin the terms on the first Monday in March, July, and November.
21. Acts of 1897, Chapter 43, set the terms for the courts of the Fifth Judicial Circuit. In Jackson County, the Circuit Court would meet on the second Monday in March, July and November.
22. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, by changing same court terms but did not disturb Jackson County.
23. Acts of 1899, Chapter 427, reorganized the entire lower judicial system of the State, dividing Tennessee into fourteen judicial circuits. The Fifth Circuit was composed of the counties of Pickett, Cumberland, Putnam, Overton, Clay, Smith, Trousdale, White, Macon, and Jackson whose Circuit Court would meet on the first Monday in March, July, and November.
24. Acts of 1901, Chapter 324, changed the terms of court for some of the counties in the Fifth Judicial Circuit but left Jackson to meet on the first Monday in March, July, and November.
25. Acts of 1903, Chapter 457, also rearranged Circuit Court terms in the Fifth Judicial Circuit but did not change Jackson County.
26. Acts of 1907, Chapter 122, changed the starting dates for the Circuit Courts of all the counties in the Fifth Judicial Circuit switching Jackson to the third Monday in March, July, and November.
27. Public Acts of 1967, Chapter 10, transferred Jackson, Smith, Macon, Trousdale and Wilson Counties from the Fifth Judicial Circuit to create a new Twenty-Fifth Judicial Circuit for civil jurisdiction. The act provided for a new judge for this circuit.
28. Private Acts of 1978, Chapter 164, would have repealed that portion of Acts of 1859-60, Chapter 62, pertaining to the time of holding the Circuit Court. This Act was not acted upon by the Jackson County Quarterly Court thus not becoming operative law.
29. Private Acts of 1985, Chapter 47, would have repealed Private Acts of 1975, Chapter 148, which is reprinted herein, but never became operative law as it was disapproved by the county legislative body on July 1, 1985.

### **Circuit Court - Clerk**

The following act has no current effect, but once applied to the Jackson County Circuit Court Clerk. It was repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a salary act which pertained to the Circuit Court Clerks alone all across the state. The Act specified a salary for the clerks which was determined by the population of the county which they served. This population grouping was based on the 1900 Federal Census which showed Jackson County to have a population of 15,039. This figure would entitle the Clerk of the Circuit Court to receive \$750 per annum under the terms of this Act. The county was required to pay any shortage between the fees collected and the salary, but the Clerk could retain any fees in excess of the salary.

### **Criminal Court**

The following acts once pertained to the Jackson County Criminal Court, but are no longer current law.

1. Acts of 1907, Chapter 85, created the Criminal Court for the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith. In Jackson County, court would be held on the first Monday in March, July and November.
2. Public Acts of 1977, Chapter 444, divided the Criminal Court for the Fifth Judicial Circuit into two divisions. Jackson County was placed into Division II along with Macon, Trousdale, Smith and Wilson Counties. The act provided for a new criminal court judge for Division II.
3. Public Acts of 1978, Chapter 798, designated all judges, district attorneys and other court officials and employees of the criminal court, Division II of the Fifth Judicial Circuit as officials of the criminal court of the Twenty-Fifth Judicial Circuit.

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

The following acts once affecting Jackson County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, organized the state into ten solicitorial districts assigning Bledsoe, Warren, White, Overton and Jackson to the 5th Solicitorial District. The General Assembly would appoint an Attorney General to prosecute on behalf of the state for each district.
2. Acts of 1819, Chapter 4, placed the counties of Macon, Bledsoe, Warren, White, Overton and Jackson in the Eleventh Solicitorial District.
3. Acts of 1907, Chapter 381, created the office of Assistant Attorney General for the 5th Judicial Circuit. The Attorney General of that circuit would appoint a suitable and qualified person to serve at his pleasure and direction at a salary of \$1,800 per year which would be paid out of the state treasury. This act was repealed by Private Acts of 1919, Chapter 166.
4. Public Acts of 1967, Chapter 100, created an additional Assistant District Attorney for the Fifth Judicial Circuit.
5. Public Acts of 1967, Chapter 537, created an additional Assistant District Attorney for the Fifth Judicial Circuit.
6. Public Acts of 1976, Chapter 563, created two additional full time Assistant District Attorneys for the Fifth Judicial Circuit.

### **General Sessions Court**

The following act once affected the general sessions court of Jackson County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1965, Chapter 99, amended Private Acts of 1949, Chapter 460, by increasing the salary of the Judge of the General Sessions Court from \$2,400 to \$3,600 per year. This act was not approved by the quarterly county court of Jackson County and therefore never became an effective law.

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