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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 Anderson County, but are no longer operative.

1. Acts of 1804, Chapter 25, stated in the preamble that it was difficult to obtain freeholders to serve as jurors in Claiborne and Anderson counties because of the very extensive holdings of Henderson and Company in these two counties, therefore, it would be lawful hereafter to appoint householders to serve as jurors in these areas.
2. Private Acts of 1911, Chapter 285, established a three member board of jury commissioners in Anderson County (identified by the use of the 1910 Federal Census figures) appointed by the judges of the county holding the criminal courts. The board would select from the tax rolls, or other public sources of information, a number of people possessing certain qualifications who would constitute the jury list for the ensuing two years. Jurors for the various courts requiring them would be selected. Proper records of service, or non-service, would be kept by the clerk. Provisions were made to obtain jurors for special, or exhausted panels of jurors, and penalties were scheduled for those guilty of infractions of the terms herein.
3. Private Acts of 1915, Chapter 225, provided that in Anderson County each regular juror would hereafter receive \$2.00 per day for each day's attendance as a juror, plus such mileage, ferrage, and other benefits, as were then allowed by law.
4. Private Acts of 1915, Chapter 267, amended Private Acts of 1911, Chapter 285, Section 8, above, to the effect that, in the event after the regular venire were summoned for the term, the jury list was exhausted, making it necessary to have additional jurors summoned, or an additional panel provided from which jurors would be selected, the presiding judge could, in his discretion, select the number needed from the citizens of the county or direct the sheriff to summon persons to make up the jury.
5. Private Acts of 1947, Chapter 230, established a pay scale for jurors in Anderson County of \$4.00 per day for each day of regular attendance as a juror at courts in that county.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Anderson 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. Private Acts of 1824 (Ex. Sess.), Chapter 14, authorized the appointment of two more supreme court justices who would hold chancery court in each of the divisions twice a year instead of just once. The chancery court was held at Kingston on the first Monday in June and December for Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount counties.
2. Public Acts of 1827, Chapter 79, created two chancery divisions in Tennessee, the eastern chancery division, which consisted of the courts meeting at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the western chancery division, which included the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
3. Public Acts of 1827, Chapter 88, Section 3, required the chancellors of the eastern division to hold the courts as scheduled in the act, mentioning the courts at Greenville, Rogersville, Carthage, McMinnville, and Kingston where the court would convene on the first Monday in June and December for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe.
4. Public Acts of 1829, Chapter 27, changed the opening dates for the chancery court's terms at Kingston to the fourth Monday of May and November annually.
5. Public Acts of 1831, Chapter 217, required the chancellor of the eastern division to hold hereafter a court of Knoxville on the third Monday in April and October for the counties of Campbell, Anderson, Knox, and Sevier, giving the people of Anderson County the privilege of filing their bills of complaint in Kingston, also. The chancellor of the division would appoint a clerk and master for this court to whom the clerk and master at Kingston would forward the case records.
6. Acts of 1832, Chapter 19, rearranged the schedules of the chancery courts in various cities but the court at Knoxville would continue to meet on the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, created three chancery divisions in Tennessee subsequent to

- the adoption of the new state constitution. The divisions, which were further divided into districts, would be presided over by chancellors, appointed by the general assembly, rather than by the justices of the state supreme court. In the eastern division the counties of Anderson, Knox, and Blount made up the sixth district whose court would assemble in Knoxville on the second Monday in April and October.
8. Acts of 1837-38, Chapter 116, Section 12, rescheduled the terms of the chancery courts at Jonesboro, Greenville, Rogersville, Tazewell, Dandridge, Knoxville, Pikeville, Madisonville and Kingston. The court at Kingston in the seventh district would meet on the fourth Monday in March and September, and at Knoxville in the sixth district on the first Monday in April and October.
  9. Acts of 1843-44, Chapter 201, Section 3, declared that the citizens of Anderson County could thereafter file their bills in equity in the chancery court at Knoxville in Knox County or at the chancery court at Jacksborough in Campbell County.
  10. Acts of 1851-52, Chapter 306, reestablished the chancery court at Jacksborough and added the counties of Anderson and Scott to that district. All papers, records, and pleadings belonging to the court and the suits pending between citizens of Campbell, Anderson, and Scott counties were transferred to the court at Jacksborough in Campbell County. The terms of this court would commence on the fourth Monday in June and December.
  11. Acts of 1853-54, Chapter 56, granted to the citizens of Anderson County the privilege of hereafter filing their equity cases either in the court at Jacksborough, or at the court in Knoxville, as they might elect to do, any law to the contrary notwithstanding.
  12. Acts of 1855-56, Chapter 164, Section 4 and 5, made Anderson County into a separate chancery district whose court would be conducted by the chancellor of the eastern division at the courthouse in Clinton on the first Thursday after the fourth Monday in June and December. Any cases of the citizens of Anderson County then pending in the courts at Jacksborough and Knoxville could at the request of either party be transferred to Clinton. All laws authorizing the filing of suits at Jacksborough and Knoxville were repealed.
  13. Public Acts of 1857-58 Chapter 88, separated Tennessee into the eastern, middle, western, fourth, fifth, and sixth chancery divisions. Anderson County was assigned to the eastern division which also included the counties of Carter, Cocke, Knox, Union, Sevier, Johnson, Greene, Washington, Sullivan, Hawkins, Claiborne, Jefferson, Grainger, Campbell, and Hancock. The court terms would start in Anderson County on the fourth Monday of June and December at Clinton.
  14. Public Acts of 1865, Chapter 7, revised the chancery court system in the state after the Civil War. The act created the eighth chancery division which contained the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn. A chancellor would be designated, or elected, for this district but until that event occurred, the old chancellors would continue to preside over the above courts. Terms would begin in Clinton on the first Monday in May and November of each year.
  15. Public Acts of 1865, Chapter 14, Section 3, scheduled the terms of the chancery courts in the newly created eighth chancery division. The court terms for the Anderson County Court would begin on the first Monday in May and November. The chancellor was further empowered to hold the circuit court of these counties by interchange.
  16. Public Acts of 1866-67, Chapter 40, Section 3, reset the terms of the chancery courts at Maynardsville in Union County and at Clinton in Anderson County where the court would meet on the second Monday in May and November of each year.
  17. Public Acts of 1870, Chapter 32, divided the state into twelve chancery districts. The second chancery district included the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana.
  18. Public Acts of 1870, Chapter 47, scheduled the terms of court for the chancery courts of every county in the State of Tennessee according to divisions. The chancery court of Anderson County would convene on the second Monday in May and November.
  19. Acts of 1872, Chapter 15, Section 4, rescheduled the terms of the chancery courts in the second chancery division which was made up of the counties of Knox, Sevier, Union, Morgan, Fentress, Scott, Roane, Blount, Campbell, and Anderson whose court would meet on the first Monday in June and December.
  20. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of the state. Of the eleven chancery divisions formed by the act, the second chancery division was composed of the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, and Scott. The Anderson County Chancery Court would meet at Clinton on the first Monday in June

and December. This act, and several others, were considered by the state supreme court in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).

21. Public Acts of 1887, Chapter 92, rearranged the terms of the chancery courts in the second chancery division. The chancery court in Clinton would meet on the third Monday in March and September.
22. Public Acts of 1899, Chapter 212, abolished the entire second chancery division in the state.
23. Public Acts of 1899, Chapter 214, moved the Sevier, Blount, and Loudon counties out of the second chancery division and into the first chancery division. The act further added Anderson, Union, Knox, Campbell, Roane, Morgan, and Scott counties to the twelfth Chancery Division, rescheduling the court terms for both divisions. The twelfth chancery division also included the counties of Sullivan, Hawkins, Hamblen, Grainger, Claiborne, and Hancock in addition to those named above. The chancery court of Anderson County would begin its terms of the first Monday in April and October.
24. Public Acts of 1899, Chapter 427, was the next major revision of the lower court system in the State. The act assigned to the second chancery division the counties of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson. Anderson County's Chancery Court would meet on the first Monday in February and August.
25. Public Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by revising the structure of the second chancery division to include the counties of Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon, and Scott. Chancery court terms would begin in Anderson County of the first Monday in April and October.
26. Public Acts of 1931 (Ex. Sess.), Chapter 38, was the last act appearing among the published volumes of private acts which related to the chancery courts. This act reorganized the chancery court system into fourteen chancery divisions of which the second chancery division was made up of the counties of Loudon, Hawkins, Claiborne, Hancock, Campbell, Roane, Scott, and Anderson where the chancery court would meet on the first Monday in April and October.
27. Public Acts of 1965, Chapter 120, created a law and equity court for Anderson County which had concurrent jurisdiction with the circuit and chancery courts and which would be operated under the same rules and procedure. The judges of this court must have the same qualifications as the circuit judge and chancellor and would be paid the same salary. The governor would appoint a judge to serve until the general election in 1966 when the judge would be elected for an eight year term. The circuit court clerk and the clerk and master would serve this court also counting the fees as they did in their other courts respectively. The first term of this court would start on the second Monday in April, 1965, and thereafter on the second Monday in June, August, October, December, February, and April. The sheriff was required to wait upon this court as he did the other courts and he would be paid the same fees and compensations. This act was repealed by Public Acts of 1974, Chapter 783.
28. Public Acts of 1967, Chapter 239, amended Public Acts of 1965, Chapter 120, above, in Section 6, by adding a provision that the official bonds entered into by the circuit court clerk and the clerk and master in their regular duties would also be applicable to their duties in this court. Section 10 was altered to provide that the county would furnish the judge of the law and equity court with suitable office space for himself and his staff, office equipment and supplies, and telephone service, so as to enable the judge to discharge the duties of his office. If the county failed to comply with this directive, the judge could direct the clerks to purchase the items and pay for them out of the fees of the court. Section 3 was changed to grant the law and equity judge full and equal power with the circuit and criminal judges, and the chancellors were to appoint a board of jury commissioners for Anderson County. This act was also repealed by Public Acts of 1974, Chapter 783, published herein.

### **Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Anderson County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 146, provided that the clerk and master of Anderson County would receive a salary of \$720 per year, payable in monthly installments on the warrant of the county judge, or chairman, out of the regular county funds.
2. Private Acts of 1943, Chapter 303, expressly and entirely repealed Private Acts of 1927, Chapter 146.

### **Circuit Court**

The following acts were once applicable to the circuit court of Anderson 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, formed five judicial circuits in the State of Tennessee assigning the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe to the second judicial circuit. All circuit courts would meet twice annually in each county. The circuit court would meet at the courthouse in Anderson County on the fourth Monday in February and August.
2. Private Acts of 1823, Chapter 214, stated that it would hereafter be lawful for the circuit court of Anderson County to be extended until Thursday after the fourth Monday in February and August of each year, provided, the business of the court should require it to be in session for that period.
3. Private Acts of 1824 (2nd Sess.), Chapter 153, made it lawful hereafter for the circuit court of Anderson to be held and continued until the second Thursday after the fourth Monday of February and August of each year provided the business of the court was not finished prior to that time.
4. Public Acts of 1835-36, Chapter 5, fashioned the state into eleven judicial circuits subsequent to the adoption of the new constitution. The second judicial circuit contained the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Morgan, and Anderson where the circuit court would meet on the second Monday of March, July, and November. There would be three terms each year of the circuit court instead of two as formerly provided.
5. Acts of 1837-38, Chapter 3, Section 7, changed the terms of the circuit court of Blount, Knox, and Morgan counties but left Anderson County's Circuit Court to meet on the second Monday in March, July, and November.
6. Acts of 1837-38, Chapter 308, authorized the judge of the second judicial circuit to have such portions of the records of the Anderson County Circuit Court transcribed into a good, and substantial book as he might think the safety and preservation of such records might require. When the same were transcribed the judge would verify and confirm the same by attaching his signature thereto.
7. Public Acts of 1857-58, Chapter 98, divided the state into sixteen judicial circuits of which the third judicial circuit was comprised of the counties of Monroe, Blount, Knox, Roane, and Anderson whose circuit court would begin its terms on the second Monday in March, July, and November.
8. Public Acts of 1865-66, Chapter 8, created the seventeenth judicial circuit in Tennessee. The counties of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland composed the circuit. The circuit court of Anderson County would begin its terms in Clinton on the second Monday in March, July, and November.
9. Public Acts of 1868-69, Chapter 15, Section 7, stated that the circuit court of Anderson County would hereafter be held at Clinton on the first Monday in January, May, and September instead of the dates heretofore established by law. All process would be made to conform to the above changes in the term dates.
10. Acts of 1869-70 (Ex. Sess.), Chapter 25, repealed the act which created the seventeenth judicial circuit, which was Public Acts of 1865-66, Chapter 8, and restored the third judicial circuit as the same was formerly constituted.
11. Public Acts of 1870, Chapter 31, formed Tennessee into 15 regular and one special judicial circuit. The third judicial circuit included the counties of Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount, and Christiana, if established.
12. Public Acts of 1870, Chapter 46, scheduled court terms for every term of every circuit court in the state. The circuit court of Anderson County, of the third circuit, would meet on the second Monday in March, July, and November.
13. Public Acts of 1873, Chapter 22, created the sixteenth judicial circuit in Tennessee which was composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The governor was authorized to appoint a judge and a district attorney-general until their successors could be elected. In Anderson County the circuit court would meet at Clinton on the second Monday in March, July and November.
14. Acts of 1885 (Ex. Sess.), Chapter 20, completely realigned the lower court system of the State. This act formed sixteen regular, and one special, judicial circuits. The second judicial circuit had in it the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Sevier, and Anderson whose terms for the circuit court would begin on the second Monday in February, June, and October.

15. Public Acts of 1891, Chapter 5, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, so as to hold the circuit court in Anderson County on the Monday next preceeding the first Monday in February, June, and October. All bonds and process outstanding would be made to conform to the requirements of this act.
16. Public Acts of 1899, Chapter 427, was a complete overhaul of the state's lower court system in which the fourteen judicial circuit was composed of the counties of Jefferson, Sevier, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Fentress, and Union. The terms of the Anderson County Circuit Court would begin on the third Monday in March, July, and November.
17. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, so as to reschedule the times of the circuit court terms in the second judicial circuit which consisted of the counties of Hamblen, Cocke, Campbell Sevier, Jefferson, Morgan, Scott, Grainger, Union, and Anderson where the court terms would begin on the first Monday in February, June, and October.
18. Acts of 1905, Chapter 359, created a separate criminal division in the second judicial circuit to which Anderson County was assigned. The times of which were set to the second Mondays in January, May and September.
19. Acts of 1905, Chapter 477, reset the opening dates of the circuit court terms for the counties in the second judicial circuit. Anderson County's Circuit Court would meet in Clinton on the third Monday in March, July, and November. The other counties in the circuit were Hamblen, Cocke, Campbell, Sevier, Jefferson, Grainger, Union, Morgan, Fentress, and Scott.
20. Acts of 1907, Chapter 205, changed the circuit court terms for some of the counties in the second judicial circuit. Anderson County would take up the dockets of the circuit court on the first Monday in March, July, and November.
21. Acts of 1931 (Ex. Sess.), Chapter 38, in its reorganization of the lower court system in the state formed twenty judicial circuits. The nineteenth judicial circuit, composed of the counties of Campbell, Morgan, Scott, Caliborne, Fentress, and Anderson, had both a civil and criminal division. The civil terms of the circuit court would begin in Anderson County on the second Monday in January, May, and September.

### **Circuit Court - Clerk**

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is set in accordance with T.C.A. § 8-24-102. The following acts have no current effect, but once applied to the Anderson 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. Acts of 1903, Chapter 255, fixed the salaries of the circuit court clerks throughout the state for the first time according to the population of the county in which they served, provided the clerks filed on January 1 of each year a sworn, itemized statement with the county judge, or chairman, showing the amount of fees paid into the office. If the fees were less than the annual salary stated, the county would provide the difference, but, if the fees exceeded the salary, the clerk could retain the excess. The circuit court clerk of Anderson County would have been paid \$1,000 a year under this system.
2. Private Acts of 1923, Chapter 697, set the annual salary of the circuit court clerk of Anderson County at \$1,200, provided the clerk would file with the county judge, or chairman, twice a year, on March 1 and September 1, a sworn, itemized statement, showing the total amount of fees collected in the office. If the fees were less than the salary, the county would pay the difference out of regular county funds, but the clerk could retain all the excess over the salary, if such were the case.
3. Private Acts of 1929 (Ex. Sess.), Chapter 58, provided that the circuit court clerk of Anderson County would be paid an annual compensation of \$1,500 for his services to be paid monthly on the warrant of the county judge. All the fees, emoluments, and compensations accruing to the office of the circuit court clerk would be paid into the county treasury, and a monthly, sworn, and itemized report must be filed with the county judge by the clerk.

### **Criminal Court**

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

1. Acts of 1905, Chapter 359, created a separate criminal court in the counties of Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union which would be known as the criminal court of the second judicial circuit. The court, which would hold its terms in Anderson County on the second Monday in January, May, and September, would have general and common law jurisdiction

over all criminal cases in those counties. The circuit court clerks were to serve as clerks of the court, and the attorney-general of the second judicial circuit would prosecute except in Pickett County where the attorney general of the fifth judicial circuit would operate. The governor would appoint a judge to serve the court until the first day of September, 1906, when this court would cease to exist and the criminal jurisdiction would revert to the circuit courts as it was formerly exercised.

2. Public Acts of 1913, Chapter 13, created a criminal and law court for the counties of Hancock, Claiborne, Campbell, Scott, Morgan, and Anderson to be known as the criminal and law court of the second judicial circuit. The circuit court clerk would serve as clerk of the court which was given general and common law jurisdiction over all criminal and civil cases arising in the counties. The terms of court in Anderson County would begin on the first Monday in March, July, and November. The attorney general of the fifth judicial circuit would perform. The governor would appoint a judge to serve until September 1, 1914, when the judge elected in the August, 1914, general election would take over until September 1, 1918, when the Judge elected for an eight year term in August, 1918, would assume office. The judge of this court would also preside over the circuit courts of Anderson, and most of the other counties.
3. Private Acts of 1917, Chapter 768, amended Private Acts of 1913, Chapter 13, by designating the court created in that act as the court of the nineteenth judicial circuit. The judge and attorney general of the second judicial circuit were designated the judge and attorney general of the nineteenth judicial circuit.
4. Public Acts of 1929, Chapter 89, established a criminal court for the counties of Fentress, Anderson, Campbell, Morgan, Scott and Claiborne in the nineteenth judicial circuit. The act provided that the circuit court clerks in the named counties would serve as the clerks of the criminal court. The act provided for the election of a criminal court judge in the August 1930 general election to hold office until the next regular judicial election in August 1934.
5. Public Acts of 1931 (Ex. Sess.), Chapter 38, set up the court terms for the criminal courts of the nineteenth judicial circuit in Fentress, Campbell, Scott, Morgan, Claiborne, and Anderson where the terms would begin on the fourth Monday in January, May, and September.

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

The following acts once affecting Anderson 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, established ten solicitorial districts in the state and assigned the counties of Knox, Anderson, Morgan, Roane, and Rhea to the fourth solicitorial district.
2. Public Acts of 1929, Chapter 91, established the position of assistant attorney general for the nineteenth judicial circuit of the state to which Anderson County belonged.
3. Public Acts of 1937, Chapter 74, created a position of criminal investigator for the nineteenth judicial circuit of the state.
4. Public Acts of 1965, Chapter 364, set the salary of all the assistant district attorneys general and criminal investigators of the nineteenth judicial circuit to \$4,800 per annum.
5. Public Acts of 1973, Chapter 322, created a position of criminal investigator for the nineteenth judicial circuit to provide for the appointment, qualifications, duties and compensation of said assistant.
6. Public Acts of 1975, Chapter 69, created the office of criminal investigator for the district attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.
7. Public Acts of 1975, Chapter 142, created the office of criminal investigator for the district attorney general of the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.
8. Public Acts of 1976, Chapter 520, created an office of assistant district attorney general for the twenty-eighth judicial circuit; to provide for the appointment, qualifications, duties and compensation of said assistant.

#### **General Sessions Court**

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

1. Private Acts of 1959, Chapter 31, created a trial justice and juvenile court in Anderson County to



meet at the courthouse where the county was obligated to provide accommodations, supplies, and equipment for the court. This court would exercise all the jurisdiction of justices of the peace in civil and criminal cases except the justice of the peace could continue to issue warrants and perform marriages but the warrants were returnable to the court created herein. This court would have and exercise concurrent jurisdiction with the chancery and circuit courts in divorce cases, and marriage annulments. Juvenile jurisdiction was removed from the county court and vested in this court. The rules of procedure formerly observed in the justice courts would also prevail in this court as well as the forms of pleading and practice now existing in the chancery and circuit courts. The act provided for a separate civil and criminal docket and specified the manner in which each one should be kept. The court was designated as a court of record whose terms would run from month to month on a six day week basis. Procedural rules not covered by the other adopted rules were promulgated for the orderly discharge of the court's business. Provisions were set up for the execution of bonds and for perfecting appeals from the court. The court would have one judge, the act naming W. Buford Lewallen to the position, who would be paid \$10,000 annually. The circuit court clerk would be the clerk of this court and all prior conflicting acts were repealed. This act was rejected by the quarterly county court and consequently never became an effective law.

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