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Court System - Historical Notes

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Bedford County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 128, authorized the quarterly county courts to lay a tax on all taxable property in the county for additional compensation to those serving as jurors in the county and circuit courts of the 24 counties named, including Bedford County. A majority of the justices was required when the vote to lay the tax was taken.
2. Private Acts of 1819, Chapter 62, provided that after January 1, 1820, it was lawful for the county courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury county to appoint 37 jurors for each county who will attend the several courts to which they may be summoned under pain of penalty, and they will be entitled to compensation as the law directs.
3. Acts of 1907, Chapter 355, created a board of jury commissioners in Bedford County, using the 1900 Federal Census figures, which would be composed of three members, who were of good character, freeholders, not attorneys and who had no suit pending in court, appointed by the judge, or judges, of the county. Any member who is absent from meetings must produce a doctor's certificate. They would have to take an oath of secrecy and choose a chairman from their number. The clerk of the circuit court would serve as the clerk, also under oath of secrecy. The board would select from public sources a list of names equal to one-fifth of the total number of votes cast in the last presidential election but no less than 250 names nor more than 4000 in number which the clerk would enter in a special book and report to the judges. The names would also be placed on scrolls of paper, placed in a suitable box, locked and sealed. From ten to fifteen days before court the board would open the box and a child under ten years of age would draw out the number of names equal to the number of jurors, or as ordered by the court, in the presence of the board. These names would be kept by the chairman and delivered to the judge in open court. Grand and petit jurors would be drawn from these names. Provisions were also made for special juries and special jury panels were to be drawn. The sheriff would summon the jurors, none of whom could be excused except by the judge and only for the causes stated in the law. See *Darvell v. State*, 123 Tenn. 666, 134 S.W. 308 (1911).
4. Private Acts of 1943, Chapter 77, stated that the compensation of jurors in Bedford County, would be \$3.00 per day for each day's attendance.
5. Private Acts of 1945, Chapter 195, provided that the foreman of the grand jury in Bedford County receive \$5.00 per day as compensation for his services for each day the grand jury is actually in session. The compensation was paid out of the county treasury.
6. Private Acts of 1945, Chapter 197, amended Acts of 1907, Chapter 355, above, by increasing the per diem of the members of the board of jury commissioners from \$2.00 to \$3.00 per day, repealing all laws which might be in conflict.
7. Private Acts of 1951, Chapter 318, expressly repealed Acts of 1907, Chapter 355, in its entirety.
8. Private Acts of 1951, Chapter 319, created another board of jury commissioners for Bedford County, adding a qualification that no more than two of the three members could be from the same political party, setting the term of office at two years beginning on January 1, 1951. The number of names to be chosen from public sources could not be less than 1000 nor more than 1500, all of which would be placed in a book and certified to the judge. The remainder of the law was substantially the same as the 1907 Act except that the circuit court clerk would deliver the list of jurors to be summoned at least five days before court started and the per diem payments for the members of the board would be \$4.00 per day.
9. Private Acts of 1953, Chapter 423, amended Private Acts of 1951, Chapter 319, above, by striking out all of Section 15 which set the per diem for the board of jury commissioners and added a provision which would pay the board members \$10.00 a day for each day actually engaged in making up the jury list and \$6.00 per day for their attendance when drawing names from the jury box for the regular panels.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Bedford 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. Acts of 1807, Chapter 37, which created Bedford County, also provided that the courts would be held at the improvements lately made by Mrs. Payne at the head of Mulberry Creek, until further arrangements are made.
2. Public Acts of 1822 (2nd Sess.), Chapter 13, stated that the judges of the supreme court would make the arrangements necessary to hold an equity court once a year at least in the places specified in the act. A court would be held at Sparta on the second Monday in December and at Columbia on the second Monday in January. The equity cases in Bedford could have been assigned to either place but the act does not specify the counties for each location's court.
3. Public Acts of 1824 (2nd Sess.), Chapter 14, provided that there would be two more justices of the supreme court and chancery court would be held by these justices at least twice a year henceforth at those places named in the law. The court at Columbia would hear the causes from Maury, Bedford, Lincoln, Giles, Lawrence, Wayne, and Hardin counties on the first Monday in March and September.
4. Public Acts of 1827, Chapter 79, Section 3, divided Tennessee into two chancery divisions. The Eastern Division was composed of the courts held at Rogersville, Greenville, Kingston, Carthage, and McMinnville and the Western was made up of the courts held at Franklin, Columbia (to which Bedford County was assigned), Charlotte, Jackson, and Paris.
5. Public Acts of 1835-36, Chapter 4, required that the state be laid off into three chancery divisions and a chancellor would be appointed for each division. Bedford County was designated as the sixth district of the Middle Division and court would be held at Shelbyville on the second Monday of February and August.
6. Acts of 1839-40, Chapter 21, established the dates to begin the chancery court in the fourth division at Shelbyville on the fourth Monday in June and December.
7. Acts of 1839-40, Chapter 33, divided Tennessee into four chancery divisions, the fourth division being made up of the courts at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville.
8. Acts of 1843-44, Chapter 161, changed the chancery court terms in the fourth division. The courts at Shelbyville would begin on the fourth Monday in February and August, and all process would be made to conform to those dates.
9. Acts of 1851-52, Chapter 87, provided that the chancery court at Shelbyville would hereafter be held on the Thursday after the fourth Monday in February and August and remain in session until all the cases were heard.
10. Acts of 1853-54, Chapter 38, Section 2, set the terms of the chancery court for several counties. The chancery court at Shelbyville for Bedford County will commence on the second Monday in March.
11. Acts of 1853-54, Chapter 55, Section 8, stated that the chancery court at Shelbyville for Bedford County would hereafter be held on the Friday after the fourth Monday in February and August, apparently correcting the deficiency of the above act.
12. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, fourth, fifth, and sixth chancery divisions, probably necessitated by the creation of several new counties. Bedford County was assigned to the fourth division along with Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford counties. The time of holding the chancery court at Shelbyville was set to the first Monday of February and August.
13. Private Acts of 1857-58, Chapter 93, scheduled the chancery court of Bedford County to begin at Shelbyville on the fourth Monday in February and August.
14. Public Acts of 1867-68, Chapter 36, provided that the chancery court of Bedford County would begin its terms on the third Monday in March and September.
15. Public Acts of 1870, Chapter 32, reorganized the lower judicial structure in Tennessee into twelve chancery districts of which the fourth was made up of the counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy.
16. Public Acts of 1870, Chapter 47, set the schedules for the chancery court terms for every county in Tennessee. Bedford County would start the chancery court at Shelbyville on the first Monday in March and September.
17. Acts of 1885 (Ex. Sess.), Chapter 20, separated Tennessee into eleven chancery divisions. The

fourth was made up of the counties of Warren, Cannon, Rutherford, Franklin, Lincoln, Moore, Marshall, and Bedford whose court terms would begin on the first Monday in March and September. This act was the subject of litigation in the *Flynn v. State*, 203 Tenn 341, 313 S.W.2d 249 (1958), although only the criminal court in Shelby County was involved in the case.

18. Public Acts of 1899, Chapter 427, reorganized the entire lower judicial structure of Tennessee into ten chancery divisions. The fifth chancery division was composed of the counties of Rutherford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, Wayne and Bedford whose terms would begin on the third Monday in February and August.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, again divided the state into fourteen chancery divisions of which the fifth division contained the counties of Rutherford, Marshall, Bedford, Moore, Lincoln, Giles, Maury, and Lawrence. Chancery court terms would begin in Shelbyville on the third Monday in February and August.

Clerk and Master

Referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 150, fixed the salary of the clerk and master of Bedford County at \$1,200 per year, provided that sworn itemized statement is filed with the county judge, or chairman, on January 1 of each year, showing all the fees collected in that office. If the fees are less than the salary, the county will pay the difference to the clerk and master; if the fees are more than the salary, the clerk and master may retain them.
2. Private Acts of 1921, Chapter 519, stated that the clerk and master of the chancery court of Bedford County, using population figures of 1920 Federal Census, shall receive the sum of \$1,500 as an annual salary, provided that a sworn itemized statement showing all the fees collected in that office is filed with the county judge, or chairman, in January. If the fees collected are less than the annual salary, the county shall pay the difference out of the regular funds. If the fees exceed the salary, the clerk and master may retain them.
3. Private Acts of 1927, Chapter 352, provided that the salary of the clerk and master of Bedford County would be \$2,100 annually, payable quarterly. The requirement for filing the sworn statement remained and the provision for the county paying the difference, if any, and the clerk and master keeping the excess, if any, were incorporated.

Circuit Court

The following acts were once applicable to the circuit court of Bedford 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 (1st Sess.), Chapter 49, divided the state into five judicial circuits of which the fourth was composed of the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. Court would be held twice annually in each county exercising such jurisdiction as was expressly conferred upon them in this law. Court would begin at the courthouse in Bedford County on the fourth Monday in April and October. The five circuit judges would be elected by ballot in both houses of the general assembly and be commissioned by the governor. They would be paid \$1,000 a year salary, and each would appoint a clerk for the business of the court in each county.
2. Acts of 1812 (Ex. Sess.), Chapter 68, changed the times for holding the circuit courts in several of the counties. Bedford County would start the circuit court on the third Monday in March and September.
3. Acts of 1817, Chapter 65, created a new sixth judicial circuit consisting of Lincoln, Giles, Maury, Bedford, and Lawrence counties, the judge for which would be elected by the general assembly.
4. Acts of 1817, Chapter 118, repealed specifically Acts of 1817, Chapter 65, above, in its entirety returning those counties to the circuits from which they were taken to form the new sixth circuit.
5. Acts of 1817, Chapter 138, established new starting dates for the circuit courts in the third, fourth, fifth, and sixth judicial circuits. Bedford would begin the circuit court terms on the first Monday in June and December.
6. Public Acts of 1821, Chapter 52, made it the duty of the clerks to transfer to the appellate court at Nashville all causes which may be pending on appeal from the counties composing the sixth judicial circuit which would include Bedford. If they had not been carried up the causes shall in the future be taken to Columbia on appeal.
7. Public Acts of 1822, Second Session, Chapter 14, stated that the court of errors and appeals shall

- finish the term of that court for the fourth judicial circuit at Nashville and then hold the court for all the counties in the sixth judicial circuit at Columbia.
8. Public Acts of 1829-30, Chapter 52, Section 4, created a new eleventh judicial circuit composed of the counties of Warren, Franklin, Bedford, Rutherford, and Wilson.
 9. Public Acts of 1833, Chapter 33, provided that the next term of the circuit court in Bedford County which was scheduled to begin on the first Monday in December is hereby postponed until the fourth Monday in December and will remain open until all the court's business is finished.
 10. Public Acts of 1835-36, Chapter 5, divided Tennessee into eleven judicial circuits. The fifth circuit was made up of the counties of Wilson, Rutherford, Coffee, Franklin, and Bedford whose court terms would start on the first Monday of April, August, and December, the court being required to have three terms annually now.
 11. Acts of 1839-40, Chapter 21, Section 2, established the terms of circuit court in those counties comprising the fifth judicial circuit. Bedford County would continue to open the circuit court terms on the first Monday of April, August, and December.
 12. Acts of 1847-48, Chapter 125, Section 5, stated that the next term of the circuit court in Bedford County would start on the fourth Monday in March, and all process would be issued in conformity with that date.
 13. Public Acts of 1857-58, Chapter 98, delineated Tennessee into sixteen judicial circuits of which the seventh circuit was made up of Wilson, Cannon, Rutherford, and Bedford counties. Bedford County would begin the terms on the first Monday in April, August, and December.
 14. Public Acts of 1870, Chapter 31, reorganized Tennessee into fifteen regular and one special circuit. The seventh judicial circuit was made up of the counties of Rutherford, Cannon, Wilson, and Bedford.
 15. Public Acts of 1870, Chapter 46, set the court terms for the circuit courts in all the counties of Tennessee. Bedford's court would continue to begin on the first Monday in April, August and December.
 16. Public Acts of 1879, Chapter 66, changed the court dates for the circuit court terms at Shelbyville to the first Tuesday in April, August, and December with the directive that all process would be made to conform to those dates.
 17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the state into fourteen regular and one special judicial circuit. The eighth judicial circuit contained the counties of Wilson, Rutherford, Cannon, Marshall and Bedford whose court would start on the second Monday in March, July and November.
 18. Public Acts of 1887, Chapter 213, changed the circuit court terms for Rutherford, Marshall, and Bedford counties. Bedford was scheduled to open the circuit court on the Tuesday after the first Monday in April, August, and December.
 19. Public Acts of 1899, Chapter 427, reorganized the lower judicial structure of Tennessee into 14 judicial circuits. The eighth circuit was made up of the counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Court terms would begin in Shelbyville on the Tuesday after the first Monday in April, August, and December.
 20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower court system in Tennessee, dividing the state into twenty judicial circuits. Rutherford, Marshall, Cannon, and Bedford counties composed the eighth judicial circuit. Court terms in Bedford remained on the Tuesday after the first Monday in April, August, and December.

Circuit Court Clerk

The following acts have no current effect, but once applied to the Bedford 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, established the salary for circuit clerk's only, which was patterned after other acts which established the salaries of various county officials according to their population classes. These salaries ranged from \$500 to \$5,000 per year. According to our information on population, the circuit court clerk of Bedford County would have received a salary of \$1,000 per year.
2. Private Acts of 1921, Chapter 512, provided that the circuit court clerk of Bedford County, using the 1920 Federal Census figures, would be paid an annual salary of \$1,200, but, a sworn, itemized statement showing all the fees collected in the office must be filed in January with the

county judge or chairman. If the fees collected were less than the salary, the county would pay the difference to the clerk out of the regular county treasury but, if the fees exceeded the salary, the clerk was permitted to keep the excess.

3. Private Acts of 1927, Chapter 309, amended Private Acts of 1921, Chapter 512, above, by increasing the annual salary of the circuit court clerk from \$1,200 to \$1,500.
4. Private Acts of 1941, Chapter 471, allowed the circuit court clerk of Bedford County to employ a clerk, or stenographer, to assist him in the duties of his office at a salary of \$300 annually, payable out of the general funds of the county on a warrant by the county judge.
5. Private Acts of 1945, Chapter 216, amended Private Acts of 1941, Chapter 471, in Section 1 by increasing the salary of the stenographer, or clerk, to the circuit court clerk from \$300 to \$600 a year.
6. Private Acts of 1947, Chapter 814, amended Private Acts of 1927, Chapter 309, Item 3, above by raising the salary of the circuit court clerk from \$1,500 to \$1,800 per year.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Bedford 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, Section 3, assigned Franklin, Lincoln and Bedford counties to the eighth solicitorial district.
2. Public Acts of 1963, Chapter 265, created the office of assistant district attorney general for the twenty-third judicial circuit, who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
3. Public Acts of 1968, Chapter 527, created the office of an additional assistant district attorney general for the twenty-third judicial district, who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
4. Public Acts of 1976, Chapter 526, created the office of criminal investigator for the twentythird judicial circuit who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
5. Public Acts of 1977, Chapter 401, repealed Public Acts of 1976, Chapter 526 and created one additional full-time position of assistant district attorney general for the district attorney general of the twenty-third judicial circuit.

General Sessions Court

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

1. Private Acts of 1974, Chapter 287, amended Private Acts of 1947, Chapter 41, by stating that on September 1, 1974 the salary of the judge of the general sessions court of Bedford County shall be \$16,000 per annum, payable in equal monthly installments out of the general funds of the county, and that the judge would devote all his working time to the office and shall not engage in the practice of law except as the general sessions court judge. Our information from the secretary of state's office is that this act was not acted on by the quarterly county court of Bedford County thus preventing it from becoming effective.

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