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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 Carroll County, but are no longer operative.

1. Private Acts of 1919, Chapter 709, created a four-member Board of Jury Commissioners for Carroll County. The commissioners were to be appointed by the Circuit or Criminal Court Judge to a two-year term. Practicing attorneys and state or county officials were not eligible, but Justices of the Peace were eligible for appointment. The commissioners were to prepare a jury list of 40 names, with each commissioner supplying 10 names which would be placed on the list if the other commissioners agreed. This was to be done on the first Wednesday of each month preceding the month of the regular term of court. The jury list was to be kept secret. Persons who sought, directly or indirectly, to be placed on the jury list were declared guilty of contempt of court and were subject to a fine between \$50 and \$100 and up to 6 months imprisonment.
2. Private Acts of 1947, Chapter 70, authorized compensation of \$4 per day for jurors serving in Carroll County.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Carroll County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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. Public Acts of 1822, Chapter 13, directed one of the judges of the Supreme Court of Errors and Appeals to hold an equity court with original chancery jurisdiction in each circuit where the Supreme Court was held, at least once each year, the places being Rogersville, Knoxville, Charlotte, Sparta, Columbia and Nashville. These chancery courts were to sit for two weeks if necessary, and in Nashville for six weeks if necessary.
2. Public Acts of 1824, Chapter 14, directed the judges of the Supreme Court to make arrangements among themselves to hold the chancery courts of Tennessee at least twice each year. Carroll County was served by the court sitting in Jackson on the second Mondays in April and October. Courts were also held at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Charlotte and Columbia.
3. Public Acts of 1825, Chapter 32, directed the judges of the Supreme Court, by arrangement among themselves, to hold a chancery court at the town of Paris for Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer Counties, on the third Mondays in April and October. The judges were to appoint a Clerk and Master for the court as soon as convenient.
4. Public Acts of 1827, Chapter 60, set the dates for holding chancery court at Paris on the third Mondays in March and September.
5. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. The state was divided into two chancery divisions, the Eastern and the Western. Carroll County was in the Western Division and continued to be served by the court sitting in Paris. One Chancellor was to be appointed by the General Assembly for each division and would be paid a salary of \$1,500 per year.
6. Public Acts of 1827, Chapter 88, supplemented Public Acts of 1827, Chapter 79, declaring the chancellors to be chancellors of the State of Tennessee, and authorizing the chancellors to interchange with each other.
7. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions which were further divided into districts. Three Chancellors appointed by the General Assembly were to hold court in their divisions at least twice each year. Carroll and Benton Counties comprised the Third District of the Western Division, the court for which would be held in Huntingdon on the first Mondays in May and November.
8. Public Acts of 1835-36, Chapter 20, changed the time chancery court was held in Carroll County to the second Mondays in January and July of each year.
9. Acts of 1837-38, Chapter 14, declared that Carroll, Henry, Weakley, Obion, Dyer, Gibson, Benton, Perry, Henderson and Madison Counties would compose one chancery district in the Western Division, with court to be held at Huntingdon on the first Mondays in February and August. The Chancery Courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar and Clarksville were abolished. This act was amended during the same session by Acts of 1837-38, Chapter 110, which removed Henry, Weakley and Obion Counties from this district.

10. Acts of 1853-54, Chapter 54, established the Fifth and Sixth Chancery Divisions of the State. Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne and Lawrence Counties comprised Sixth Chancery Division.
11. Acts of 1855-56, Chapter 112, set the term for the chancery court to be held at Huntingdon in Carroll County on the first Mondays in February and August.
12. Public Acts of 1857-58, Chapter 88, reorganized the entire lower judicial system in Tennessee. The state was divided into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. Carroll County was assigned to the Sixth Division along with Henderson, McNairy, Hardin, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Decatur and Perry Counties. Chancery court for Carroll County would begin on the first Mondays in February and August.
13. Public Acts of 1865-66, Chapter 20, established a Ninth Chancery District in Tennessee comprised of Obion, Dyer, Gibson, Weakley, Henry, Carroll, and Benton Counties. The Chancellor would hold court in Carroll County on the first Mondays in February and August.
14. Public Acts of 1866-67, Chapter 25, changed the term for holding chancery court for the Ninth District, but the court continued to be held in Carroll County on the first Mondays in February and August.
15. Public Acts of 1867-68, Chapter 45, assigned Carroll County to the Fifth Chancery Division.
16. Public Acts of 1869-70, Chapter 23, detached Carroll County from the Fifth Chancery Division and assigned it to the Ninth Chancery Division.
17. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Eleventh District was composed of Carroll, Dyer, Obion, Lake, Weakley, Gibson, Etheridge, and Henry Counties.
18. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the beginning dates for terms of the chancery court in every county of the state. Chancery court would begin in Carroll County on the first Mondays in February and August.
19. Public Acts of 1870-71, Chapter 88, changed the time for holding chancery court in the Eleventh Division. In Carroll County the chancery court would be held at Huntingdon on the fourth Mondays in February and August.
20. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower judicial structure of Tennessee. The act created eleven chancery divisions, placing the counties of Henry Hardeman, McNairy, Chester, Madison, Crockett, Henderson and Carroll in the Ninth Division. Chancery court would be held in Carroll County on the fourth Mondays in January and December.
21. Public Acts of 1887, Chapter 7, changed the time for holding chancery court in Carroll County to the first Mondays in February and August.
22. Public Acts of 1887, Chapter 111, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the terms for holding the chancery courts of the Ninth Chancery Division. The terms of court for Carroll County would continue to begin on the first Mondays in February and August.
23. Public Acts of 1899, Chapter 427, divided Tennessee into ten Chancery Divisions. Carroll, Henry, Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Madison and Perry Counties composed the Eighth Chancery Division. Chancery court in Carroll County would begin on the second Mondays in March and September.
24. Acts of 1903, Chapter 36, changed the times for holding chancery court in the Eighth Chancery Division. The court terms in Carroll County would begin on the first Mondays in February and August.
25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system in Tennessee. The counties of Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Decatur, Hardin, Benton and Chester were assigned to the Eighth Chancery Division. Court terms would begin in Carroll County on the first Mondays in February and August.

Chancery Court - Clerk and Master

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

1. Acts of 1837-38, Chapter 14, directed the newly-appointed Chancellor for the Western Division to appoint Clerks and Masters for the courts at Huntingdon, Somerville and Charlotte. The Clerks and Masters were directed to keep a deputy at the county seat in each county in his district.
2. Acts of 1837-38, Chapter 117, was a supplemental act to Chapter 14 of the same session, and provided that the Clerks and Masters at Somerville, Huntingdon, Charlotte and Brownsville would

be allowed to serve out the remainder of their terms.

3. Private Acts of 1911, Chapter 203, set the salary of the Clerk and Master of the Chancery Court in Carroll County at \$1,000 per year. The Clerk and Master was required to file annually a sworn itemized statement with the Judge and/or Chairman of the County Court showing all fees received in the office. If the amount was less than the salary, the county would pay the difference. If the amount was more than the salary, the Clerk and Master could retain the excess.
4. Private Acts of 1921, Chapter 175, raised the salary of the Carroll County Clerk and Master to \$1,200 per year.
5. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the Clerk and Master was \$1,200 per year.
6. Private Acts of 1925, Chapter 523, amended Private Acts of 1921, Chapter 175, to increase the annual salary for the Clerk and Master of the Chancery Court to \$1,800 per year.
7. Private Acts of 1929, Chapter 349, amended Private Acts of 1921, Chapter 175, and Private Acts of 1925, Chapter 523, to allow the Clerk and Master in Carroll County to retain all fees collected by that office in addition to the annual salary.
8. Private Acts of 1937, Chapter 228, repealed Private Acts of 1911, Chapter 203, Private Acts of 1921, Chapter 175, Private Acts of 1925, Chapter 523, and Private Acts of 1929, Chapter 349.
9. Private Acts of 1937, Chapter 290, set the salary of the Clerk and Master of Carroll County at \$1,800 annually in addition to all of the fees earned by the office. This act was repealed by Private Acts of 1941, Chapter 431.
10. Private Acts of 1947, Chapter 271, set the salary of the deputy Clerk and Master in Carroll County at \$1,800 per year, payable monthly out of the county treasury. This act has been superseded by general law found in Title 8, Chapter 20, Tennessee Code Annotated.

Circuit Court

The following acts were once applicable to the circuit court of Carroll 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. Public Acts of 1821, Chapter 32, set the time for holding the Courts of Pleas and Quarter Sessions in Carroll County on the second Mondays in December, March, June and September at the house of Robert E. C. Doherty.
2. Public Acts of 1821, Chapter 42, established the Eighth Judicial Circuit which was comprised of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry Counties. One circuit judge was to be elected by the General Assembly. Carroll, Henry and Humphreys Counties would comprise the Thirteenth Solicitorial District, and a solicitor would be elected to perform the duties of the district with the same powers as other solicitors general of the state. Circuit court for Carroll County would be held on the first Mondays of April and October at the house of Robert E. C. Doherty.
3. Private Acts of 1822, Chapter 157, changed the time for holding circuit court in Carroll County to the fourth Mondays in March and September of each year.
4. Public Acts of 1823, Chapter 11, created the Ninth Judicial Circuit, and assigned the counties of Perry, Henderson, Carroll, Henry, and all the counties west of Carroll and Henry, as they were formed, to this circuit. The act provided for the General Assembly to elect a judge for the new circuit. Appeals from the circuit court were to be heard in the Courts of Errors and Appeals at Charlotte.
5. Public Acts of 1823, Chapter 41, fixed the time for holding circuit court in the Eighth and Ninth Judicial Circuits. The time for holding circuit court in Carroll County would be the third Mondays in April and October.
6. Private Acts of 1825, Chapter 318, changed the dates for holding circuit courts in the Eighth and Ninth Judicial Circuits. The time for holding circuit court in Carroll County would be the third Mondays in May and November.
7. Public Acts of 1826, Chapter 43, set the dates for holding circuit court in Carroll County on the third Mondays of April and October.

8. Public Acts of 1833, Chapter 11, changed the dates for holding circuit court for Carroll County to the first Mondays in January and July each year.
9. Public Acts of 1835-36, Chapter 5, reorganized the lower court system of Tennessee into eleven judicial circuits and directed that the circuit courts hold three terms per year. The Ninth Circuit consisted of Carroll, Henry, Weakley, Obion, Dyer, Gibson and Benton Counties. Circuit court for Carroll County would begin on the second Mondays of March, July and November.
10. Acts of 1837-38, Chapter 3, established fourteen judicial circuits in the State. The Fourteenth Judicial Circuit consisted of Carroll, Lawrence, Wayne, Hardin, Perry and Benton Counties. The circuit court for Carroll County would be held on the first Mondays of April, August and December.
11. Acts of 1837-38, Chapter 116, rescheduled circuit court terms for the judicial circuits of the state. Carroll County was a part of the Fourteenth Judicial Circuit and court terms were to be held on the second Mondays in January, May and September.
12. Acts of 1837-38, Chapter 231, changed the time for holding circuit court in Carroll County to the second Mondays in January, May, and September of each year.
13. Acts of 1839-40, Chapter 140, changed the time for holding circuit court in Carroll County to the first Mondays in January, May and September.
14. Acts of 1845-46, Chapter 21, added Carroll and Benton Counties to the Ninth Judicial Circuit.
15. Acts of 1847-48, Chapter 33, changed the time for holding circuit court for Carroll County to the second Mondays in January, May and September. This act was repealed by Acts of 1847-48, Chapter 198.
16. Acts of 1851-52, Chapter 230, changed the time for holding circuit court in Carroll County to the fourth Mondays in April, August and December.
17. Acts of 1853-54, Chapter 117, changed the winter term of circuit court in Carroll County to begin on the first Monday in January, rather than the fourth Monday in December.
18. Public Acts of 1857-58, Chapter 21, changed the time for holding circuit court in Carroll County to the first Monday in January and the fourth Mondays in April and August.
19. Private Acts of 1857-58, Chapter 93, repealed Public Acts of 1857-58, Chapter 21, as it applied to the terms of court for the Ninth Judicial Circuit and changed the times for holding court. Carroll County would hold circuit court on the first Monday in January and the fourth Mondays in April and August.
20. Public Acts of 1857-58, Chapter 98, created sixteen judicial circuits and assigned Carroll, Henry, Benton, Humphreys and Weakley Counties to the Thirteenth Judicial Circuit. The circuit court terms in Carroll County would begin on the first Monday in January and the fourth Mondays in April and August.
21. Public Acts of 1865, Chapter 32, authorized the Governor of the state to commission all officers elected in Carroll County under the Proclamation of Andrew Johnson, Military Governor of the state, and provided for the county and circuit courts to take the bond of the officers and qualify them according to law.
22. Public Acts of 1865-66, Chapter 10, changed the times for holding the circuit courts in the Thirteenth Judicial Circuit, which consisted of Carroll, Henry, Benton, Weakley and Humphreys Counties. Court terms for Carroll County would begin on the first Mondays in January, May and September.
23. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen judicial circuits. The Twelfth Judicial Circuit was comprised of Carroll, Benton, Henry, Weakley, Etheridge, Obion and Lake Counties and the special court at Union City in Obion County.
24. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding circuit court in Carroll County on the first Mondays in January, May and September.
25. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the state into fourteen regular and one special judicial circuits. The Twelfth Judicial Circuit was composed of Obion, Weakley, Henry, Carroll, Gibson, Crockett, Haywood and Benton Counties. The circuit court in Carroll County was to be held on the first Mondays in January, May and September.
26. Public Acts of 1887, Chapter 94, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the time for holding circuit courts in the Twelfth Judicial Circuit. Carroll County would continue holding court on the first Mondays in January, May and September.
27. Public Acts of 1889, Chapter 15, set the times for holding circuit court for the Twelfth Judicial Circuit which included Obion, Carroll, Henry, Weakley, Gibson, Trenton, Crockett and Haywood

- Counties, and the special court at Union City. The circuit court for Carroll County would begin on the first Mondays in January, May and September.
28. Public Acts of 1891, Chapter 38, amended Acts of 1885 (Ex. Sess.), Chapter 20, and Public Acts of 1889, Chapter 15, and established eighteen judicial circuits. Carroll, Gibson, Crockett and Haywood Counties were assigned to the Eighteenth Judicial Circuit. Circuit court in Carroll County would begin on the first Mondays in January, May and September.
 29. Public Acts of 1899, Chapter 409, changed the time of holding circuit court for Carroll County to the third Mondays in January, May and September.
 30. Public Acts of 1899, Chapter 427, reorganized the lower court system into fourteen judicial circuits. The Thirteenth Judicial Circuit was composed of Crockett, Haywood, Benton, Carroll, Henry and Gibson Counties. The terms of the circuit court in Carroll County would commence on the fourth Mondays in February, June and October.
 31. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, established twenty judicial circuits in Tennessee. The Thirteenth Judicial Circuit included the counties of Crockett, Haywood, Carroll, Henry and Gibson. The terms of the circuit court in Carroll County would begin on the fourth Mondays in February, June and October.
 32. Public Acts of 1957, Chapter 249, changed the time for holding circuit court in Carroll County to the third Mondays in February, June and October.
 33. Public Acts of 1965, Chapter 204, established judicial circuits for the state and created the Twenty-second Judicial Circuit. This new circuit was composed of Carroll, Benton, Decatur and Hardin Counties. Circuit Court for Carroll County began on the first Mondays in January, May and September.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Carroll 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. Private Acts of 1919, Chapter 450, set the salary of the Circuit Court Clerk in Carroll County at \$1,500 per year. The Clerk was required to file a sworn itemized statement annually with the County Judge or Chairman showing the amount of fees collected in the office. If the fees were less than the salary, the county was to pay the difference; if the fees exceeded the salary, the Clerk could retain the excess.
2. Private Acts of 1921, Chapter 125, set the salary of the Circuit Court Clerk in Carroll County at \$1,500 per year. The Clerk was required to file a sworn itemized statement annually with the County Judge or Chairman showing the amount of fees collected in the office. If the fees were less than the salary, the county was to pay the difference; if the fees received exceeded the salary, the Clerk was allowed to retain the excess. This act is substantially the same as Private Acts of 1919, Chapter 450, with the exception of the population figures. After the 1920 census, Carroll County no longer fell within the population range for the 1919 act.
3. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the Circuit Court Clerk was \$1,200 per year.
4. Private Acts of 1927, Chapter 756, amended Private Acts of 1919, Chapter 450, to raise the salary of the Circuit Court Clerk to \$1,500 per year, together with all the fees of the office in addition to the annual salary. The effect of this act is unclear since the 1919 act appears to have been superseded by both Private Acts of 1921, Chapter 125, and Private Acts of 1923, Chapter 196.
5. Private Acts of 1931, Chapter 720, set the fee for officers taking depositions at \$1 for the first 1,000 words, plus 10¢ for each 100 words over the first 1,000 words, provided that the officers did the stenographic work; if not, the fee was \$1.
6. Private Acts of 1935, Chapter 774, set the fees for taking depositions at \$1 for swearing in the witness, 30¢ for each 8½" by 14" typewritten page, and 10¢ per page for copies. This act applied to court officers, notaries, and stenographers who were authorized to take depositions.
7. Private Acts of 1937, Chapter 229, repealed Private Acts of 1919, Chapter 450, and Private Acts of 1927, Chapter 756.
8. Private Acts of 1937, Chapter 293, set the annual salary of the Circuit Court Clerk in Carroll

County at \$1,500 to be paid \$125 per month, in addition to all fees collected by the office, provided that if the annual salary and the fees exceeded the maximum salary allowed under general law, the Clerk was required to pay the excess into the county treasury.

9. Private Acts of 1947, Chapter 319, amended Private Acts of 1937, Chapter 293, to increase the salary of the Clerk from \$1,500 to \$1,800, to be paid \$150 per month.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1967, Chapter 65, created the office of Assistant District Attorney General for the 22nd Judicial Circuit (which included Carroll County), to be appointed by the District Attorney General. The appointee had to be 21 years of age or older and licensed to practice law in Tennessee, and would be compensated as provided by general law and perform the duties and functions assigned and directed by the District Attorney General. This act was a public act of local application and was not codified in Tennessee Code Annotated.
2. Public Acts of 1976, Chapter 560, created an additional Assistant District Attorney General for the 22nd Judicial Circuit (which included Carroll County), to be appointed by the District Attorney General. This act was a public act of local application and was not codified in Tennessee Code Annotated.

General Sessions Court

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

1. Private Acts of 1959, Chapter 282, would have created a Court of General Sessions for Carroll County. The Sheriff was to provide a courtroom and other facilities for the court in the courthouse at Huntingdon. The court was to be vested with all of the jurisdiction and authority conferred by law upon Justices of the Peace in civil and criminal cases. The compensation of the Judge of the General Sessions Court would have been \$5,500 annually. The act failed to receive local approval and never became effective.

Secretarial Assistance

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

1. Public Acts of 1939, Chapter 71, created the office of stenographer to the Eighth Chancery Division, to be appointed by the Chancellor. The stenographer would be paid \$720 annually.
2. Public Acts of 1949, Chapter 109, purported in its caption and preamble to amend Public Acts of 1939, Chapter 71, but the body of the act did not apply to stenographers.
3. Public Acts of 1951, Chapter 36, created the office of stenographer to the Judge of the Thirteenth Judicial District, to be appointed by the Judge. The stenographer was paid \$900 annually.
4. Public Acts of 1963, Chapter 308, amended Public Acts of 1951, Chapter 36, to increase the compensation of the stenographer to \$1,800 annually.

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