



December 20, 2024

Court System - Historical Notes

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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 Chester County, but are no longer operative.

1. Acts of 1909, Chapter 438, created a five-member Board of Jury Commissioners in Chester County to be appointed by the judge of the Circuit Court, and provided for the selection of jurors.
2. Private Acts of 1911, Chapter 115, created a three-member Board of Jury Commissioners and provided for the selection of jurors in the counties of Chester, Hardin, Decatur, Benton, and (probably) Madison. The commissioners for each county were to be appointed by the judges of the Circuit and Criminal Courts.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Chester County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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. Public Acts of 1879, Chapter 42, created Chester County and placed it in the 10th Chancery Division.
2. Public Acts of 1883, Chapter 174, provided that the Judge of the Common Law and Chancery Court at Jackson in Madison County would hold the Circuit and Chancery Courts for the new County of Chester. Chancery Court would be held on the fourth Mondays in May and November. This act amended Public Acts of 1875, Chapter 60, which had severed Madison County from the 10th Division and created the Common Law and Chancery Court at Jackson.
3. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system and divided Tennessee into eleven chancery divisions. The 9th Chancery Division was composed of Chester, Hardeman, McNairy, Madison, Crockett, Henderson, Carroll and Henry Counties. Chancery Court terms for Chester County were to begin on the fourth Mondays in April and September.
4. Public Acts of 1887, Chapter 111, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the times for holding Chancery Court in the 9th Chancery Division. In Chester County, terms would begin on the first Mondays in March and September.
5. Public Acts of 1899, Chapter 427, reorganized the lower court system and divided Tennessee into ten chancery divisions. The 8th Chancery Division was composed of Chester, Decatur, Hardin, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison and Perry Counties. Chancery Court in Chester County would begin on the third Mondays in January and July.
6. Acts of 1903, Chapter 36, changed the times for holding court in the 8th Chancery Division. In Chester County, terms would begin on the fourth Mondays in May and November.
7. Acts of 1903, Chapter 311, amended Acts of 1903, Chapter 36, to change the Chancery Court terms in Chester County to the second Mondays in March and September.
8. Acts of 1903, Chapter 484, is a duplicate of Acts of 1903, Chapter 311, which amended Acts of 1903, Chapter 36, to change the Chancery Court terms in Chester County to the second Mondays in March and September.
9. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system and established fourteen chancery divisions in Tennessee. The 8th Chancery Division consisted of Chester, Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Decatur, Hardin and Benton Counties. Chancery Court would be held in Chester County on the second Mondays in March and September.
10. Public Acts of 1974, Chapter 547, provided for an additional Chancellor for the 9th Chancery Division, and divided the division into Part I and Part II. The Chancellor for Part II was designated the Senior or Presiding Chancellor. Chester County was transferred to the 9th Chancery Division by Public Acts of 1975, Chapter 207.
11. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, to provide that the Chancellor for Part I would preside over Fayette, Hardeman, Hardin, McNairy and Chester Counties, and the Chancellor for Part II would preside over Tipton, Lauderdale, Haywood and Crockett Counties. Part I would be held in Chester County on the second Mondays in March and September.

Chancery Court - Clerk and Master

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

1. Private Acts of 1911, Chapter 4, set the salary of the Clerk and Master of the Chancery Court in Chester County at five hundred (\$500) dollars annually. A sworn itemized statement was required to be filed with the Judge, or Chairman, of the County Court by the Clerk and Master showing the amount of fees collected in the office. If the fees collected were less than the stated salary, the County would pay the deficiency to the Clerk and Master; if more, the Clerk and Master could retain them. This Act was repealed by Private Acts of 1927, Chapter 721.
2. Private Acts of 1915, Chapter 373, amended Private Acts of 1911, Chapter 4, by increasing the salary of the Clerk and Master from five hundred (\$500) dollars to seven hundred fifty (\$750) dollars per year. This Act was repealed by Private Acts of 1927, Chapter 721.
3. Private Acts of 1927, Chapter 721, repealed Private Acts of 1911, Chapter 4 and Private Acts of 1915, Chapter 373, above, and increased the salaries of the Clerks and Masters to nine hundred (\$900) dollars per year with provision for an itemized statement of fees collected in the office be filed quarterly. Any deficiency in fees collected and salary would be paid out of the county treasury; any excess in fees above the stated salary was required to be paid over to the county treasury.

Circuit Court

The following acts were once applicable to the circuit court of Chester County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Public Acts of 1879, Chapter 42, placed Chester County in the Eleventh Judicial Circuit.
2. Public Acts of 1883, Chapter 174, provided for the Judge of the Common Law and Chancery Court in Madison County to hold the Circuit and Chancery Courts of newly created Chester County. The term for the Circuit Court to be held in Chester County was on the first Monday in April, August, and December.
3. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into fourteen (14) Judicial Circuits. McNairy, Madison, Henderson, Decatur, Perry and Chester Counties comprised the Eleventh Judicial Circuit. The time for holding the Circuit Court in Chester County was the third Monday in March, July, and November.
4. Public Acts of 1887, Chapter 94, expanded the Eleventh Judicial Circuit to include Benton County in addition to Madison, McNairy, Henderson, Perry, Decatur, and Chester. The Act also amended the time for holding the Circuit Court in Chester to third Monday in February, June, and October.
5. Public Acts of 1895, Chapter 46, created a separate criminal division for the Eleventh Judicial Circuit of which Chester County was a part of and withdrawing the criminal jurisdiction from the Circuit Courts. See *McCulley v. State*, 102 Tenn. 509, 53 S.W. 135 (1899).
6. Public Acts of 1899, Chapter 409, conferred on the Circuit Court of the Eleventh Judicial District, of which Chester County was a part of the criminal jurisdiction. The Circuit Court terms in Chester County were set for the third Monday in February, June, and October.
7. Public Acts of 1899, Chapter 427, divided the State into fourteen (14) Judicial Circuits. Hardeman, McNairy, Hardin, Henderson, Decatur, Madison, and Chester comprised the Twelfth Judicial Circuit. The Circuit Court would be held in Chester County on the first Monday in February, June, and October.
8. Acts of 1905, Chapter 192, changed the time for holding the Circuit Court in Chester County to the fourth Monday in February, June, and October.
9. Acts of 1907, Chapter 338, changed the time for holding the Circuit Court in Chester County to the first Monday in February, June, and October.
10. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into twenty (20) judicial circuits. The twelfth was composed of Madison (criminal only), Henderson, Decatur, Hardin, and Chester Counties. The time for holding the Circuit court in Chester County was the first Monday in February, June, and October.
11. Public Acts of 1965 (Ex. Sess.), Chapter 204, amended T.C.A. Section 16-225 and changed the time for holding the Circuit Court in Chester County to the first Monday in March, July, and November.
12. Public Acts of 1974, Chapter 526, established a second judge for the Twelfth Judicial Circuit so as to divide the Twelfth Judicial Circuit into two parts to be designated Part I and Part II. The present judge of the said circuit was designated as the Judge of Part I. The act further provided for the election of both judges by the voters of the Twelfth Judicial Circuit and to designate the

dates in which each judge assumed the duties of his office. The act also mentioned that the judges would sit interchangeably and the act itself amended Section 16-225 of Tennessee Code Annotated.

Circuit Court - Clerk

The following act has no current effect, but once applied to the Chester County Circuit Court Clerk.

1. Private Acts of 1935, Chapter 13, fixed the salary of the Circuit Court Clerk in Chester County at one thousand two hundred (\$1,200) dollars annually, payable one hundred (\$100) dollars per month on warrants to be issued by the County Chairman, or Judge. The Circuit Court Clerks was required to account to the County the fees received in the office.

Criminal Court

The following acts once pertained to the Chester County Criminal Court, but are no longer current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1895, Chapter 46, established a Criminal Court for the counties in the Eleventh Judicial Circuit, being Madison, McNairy, Henderson, Decatur, Perry, Benton, and Chester Counties. The Criminal Court would be held in Chester County on the third Monday in March, July, and November. The Circuit Court Clerk was required to transfer all criminal cases to this new court and would also serve as clerk to the new Criminal Court in addition to his Circuit Court duties. Under the Act the Governor would appoint a Judge to serve the new Criminal Circuit until September 1, 1896, when the elected judge would assume office. This Act was expressly repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the time for holding the Criminal Court in the Eleventh Judicial Circuit in Chester County to the third Monday in March, July, and November.
3. Public Acts of 1899, Chapter 155, repealed Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124, and thereby abolished the Criminal Court for the Eleventh Judicial Circuit. See McCulley v. State, 102 Tenn. 509, 53 S.W. 135 (1899).
4. Private Acts of 1977, Chapter 118, attempted to create the office of Public Defender in the counties of Chester, Henderson, and Madison, which constituted the twelfth Judicial Circuit. A nominating committee composed of the County Judges, from the respective counties, and the Judges of Divisions 1 and 2 of the Twelfth Judicial Circuit would recommend the Public Defender, subject to confirmation and approval of the Quarterly County Courts of each County. The designated Public Defender would serve one (1) year from the appointment date. The duties and responsibilities of the office were prescribed in the Act and the power to employ assistants and staff personnel was granted. This Act was never acted upon and never became a law in Chester County.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1899, Chapter 199, Section 5, provided for the Attorney-General of the Criminal Court of the Eleventh Judicial Circuit to perform the duties of the office of the Attorney-General in Circuit Courts of the Counties comprising said Judicial Circuit. The Counties comprising the Eleventh Judicial Circuit were Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton Counties.
2. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, above, and required the Attorney-General of the Criminal Court of the Eleventh Judicial Circuit to perform in addition to the duties of said office in the Circuit Courts of the Eleventh Judicial Circuit of which Henderson, McNairy, Chester, Perry, Decatur and Madison were a part, the duties of prosecuting in the Circuit Court of Madison County which was in the Eighteenth Judicial Circuit. The Attorney-General of the Twelfth Judicial Circuit would perform the duties of said office in the Circuit Courts of Benton County.
3. Public Acts of 1974, Chapter 565, authorized the District Attorney General of the Twelfth Judicial Circuit of which Chester County was a part to appoint an additional Assistant District Attorney General to assist in the performance of the duties of the office of the District Attorney General.

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 position of Stenographer for the Chancellor of the Eighth Chancery Division to which Chester County was then assigned.

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