



December 20, 2024

Court System - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Court System - Historical Notes	3
--	----------

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1915, Chapter 565, provided that all jurors in Cumberland County shall receive \$2 daily for each days regular attendance on a jury, plus such mileage and ferriage as was allowed under the law.
2. Private Acts of 1915, Chapter 645, created a Board of Jury Commissioners for Cumberland County. The Board would consist of three discreet men, freeholders or householders, residents of the County for at least three years and who were not county officials or lawyers. They would be appointed by the Circuit or Criminal Court Judge of the county and serve for two years after being sworn into office, and accept certain conditions and obligations as stated in the oath. After selecting a Chairman and Secretary, the Board would meet on the first Wednesday of each month preceding the month in which Court was to start and select 36 names from the tax rolls of the county to be on the jury list. Each member would file 12 names for the jury list which had been agreed upon by the other two members. The Clerk would place all 36 names in a well bound book as a permanent record. The list would be certified in language set out in the act and the whole thing signed by the members. The grand and petit juries would be made up from this list. Provisions are made for the remaining members to carry on if one or more are absent from the meetings.
3. Private Acts of 1917, Chapter 747, amended Private Acts of 1915, Chapter 645, so as to have the same apply to Sequatchie County. This act was repealed by Private Acts of 1919, Chapter 170.
4. Private Acts of 1925, Chapter 637, created a Board of Jury Commissioners for Cumberland County consisting of one member from each civil district who would be appointed by the Circuit Judge to serve 2 years. The Clerk of the Circuit Court would be the ex-officio Clerk of the Commission. The Commission would select a list of 300-500 names from the tax rolls of the county from which the jury lists would be drawn. The Commission, or the Judge, may call a meeting of the Commission if the jury list were depleted during the two year terms. The minutes of the meeting and the list of jurors would be kept in a well bound book. The names would also be written on a scroll and placed in a box which would be sealed until time to draw out the names. From 10 to 15 days before opening court, the seal would be broken and a child under ten years of age would draw 42 names from the box in the presence of the Commission. This list would be certified to the Circuit Court Clerk who would transmit it to the Sheriff five days before the term of court opened, in order for him to summon them. If these were not enough names, then more could be drawn in the presence of the Judge in open court.
5. Private Acts of 1937, Chapter 208, amended Private Acts of 1925, Chapter 637, in several particulars, in Section 5 by making jury lists subject to an annual drawing rather than biennial; in Section 10, by adding "or Chancery Court," after the word "Judge"; and then it added a new Section 20 which provided 18 names to the Chancellor to serve as jurors in the Chancery Court if any case being heard therein required jurors.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Cumberland 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 1857-58, Chapter 88, enacted after the County was created in the area it now occupies, placed it in the 5th Chancery Division with court to begin on the Thursday after the first Monday of February and after the third Monday in September at Crossville. The State was divided into the Eastern, Middle, Western, 4th, 5th and 6th Divisions.
2. Acts of 1857-58, Chapter 93, Section 4, made Cumberland County into a separate Chancery Division whose court would be held by the Chancellor of the Fifth Chancery Division at Crossville on the Friday after the third Monday in March and September of each year. The Chancellor would appoint a Clerk and Master and those cases which originated in Cumberland County and were pending at other Chancery Courts would be transferred by those Clerks to this Court.
3. Acts of 1857-58, Chapter 95, Section 7, states that the Judge of the Fourth Judicial Circuit will hold the Chancery Court in Cumberland County and possess all the powers, authority and

- jurisdiction of other Chancellors. Court would be held at Crossville on the Thursdays next after the first Monday of February and the third Monday in September in each year.
4. Acts of 1859-60, Chapter 86, Section 4, provides for the Judge of the 5th Judicial Circuit to hold the Chancery Court at Crossville for Cumberland County on the first Monday in January, May and September.
 5. Acts of 1865-66, Chapter 129, Section 4, stated that the Judge of the 17th Judicial Circuit is authorized to hold the Chancery Court for Morgan, Cumberland, Fentress, and Scott Counties at the same time as the law prescribes for the Circuit Courts of those counties, and the respective Clerks and Masters will cause all process to be returned accordingly.
 6. Acts of 1870, Chapter 32, divided the State into twelve Chancery districts. The Third District was composed of Polk, McMinn, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Bradley, Hamilton, and Cumberland Counties, and the special court at Chattanooga.
 7. Acts of 1870, Chapter 47, provided that the terms of the Chancery Court for Cumberland County would begin on Friday after the first Monday in April and on the second Monday in October. This Act was repealed by Acts of 1870-71, Chapter 40.
 8. Acts of 1870-71, Chapter 40, changed court terms in the Third Chancery Division with Cumberland going to the third Monday in March and September.
 9. Acts of 1873, Chapter 22, created the 16th Judicial Circuit made up of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland Counties, and the Judge of that Circuit would hold Chancery Court in Scott, Cumberland, Fentress, and Morgan Counties at the same time as the Circuit Courts would be conducted which in Cumberland's case would be on the first Monday of April, August, and December. The Governor would appoint a Judge and a District Attorney for the Circuit to serve until an election could be held to elect them.
 10. Acts of 1875, Chapter 41, stated that the Circuit and Chancery Courts for Morgan and Cumberland Counties would be held at different times assigning Cumberland's Chancery Court to the third Monday after the fourth Monday in March, July, and November.
 11. Acts of 1882 (Ex. Sess.), Chapter 3, states in the caption that it changes the times for the court terms of the Circuit and Chancery Court of Cumberland County in the 16th Judicial Circuit but the printer failed to include the body of this act in the printed volume.
 12. Acts of 1883, Chapter 12, changed the terms of the Chancery Court of Cumberland County by amending Acts of 1882 (Ex. Sess.) Chapter 3, to the fourth Monday in March, July, and November and the court would be held by the Circuit Judge in that Circuit.
 13. Acts of 1885, Chapter 12, provided that the terms of both the Chancery and Circuit Courts of Cumberland County would begin on the fourth Monday in April, August, and December, all process being returnable to those dates.
 14. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized Tennessee into eleven Chancery Divisions. Cumberland County was in the 5th Chancery Division with Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, Dekalb, Smith, and Macon Counties. Court terms would start on the first Thursday after the third Monday in March and September.
 15. Acts of 1890 (Ex. Sess.), Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of the Chancery Courts in Fentress, Pickett, White, and Cumberland Counties of the Fifth Chancery Division. Cumberland's Court would commence on the first Monday in May and November.
 16. Acts of 1891 (Ex. Sess.), Chapter 11, changed the court terms throughout the 5th Chancery Division. Cumberland's Court terms would begin on the first Thursday after the second Monday in April and October. This Act repealed Acts of 1885 (Ex. Sess.), Chapter 20, as it pertained to the Fifty Chancery Division.
 17. Acts of 1895, Chapter 15, again changed the Chancery Court terms for all the counties of the 5th Chancery Division. Cumberland County was switched to the fourth Monday in April and October.
 18. Acts of 1897, Chapter 43, changed the times for holding Chancery Court in the Fifty Chancery Division. In Cumberland County, court would be held the second Monday after the fourth Monday in April and September. The Judge of the Fifth Judicial Circuit would hold the Chancery Court in Cumberland County. This Act was amended by Acts of 1897, Chapter 294.
 19. Acts of 1897, Chapter 294, changed the times of the Chancery Court in Cumberland County. The Court would meet on the fourth Monday in April and October, and the Judge of the 5th Judicial Circuit was directed to hold the April term of the Chancery Court.

20. Acts of 1899, Chapter 427, restructured the Tennessee Judicial System by dividing the State into ten Chancery Divisions. In the Fourth Chancery Division were Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Court terms would start on the fourth Monday in April and October.
21. Acts of 1901, Chapter 329, changed the court terms for Cumberland County to the second Monday in February and August.
22. Acts of 1901, Chapter 461, stated that all appeals, appeals in the nature of writs of error, and writs of error to the Supreme Court hereafter taken from the judgment or decree of any court of record in Cumberland County shall be heard at and transferred to the Supreme Court at Nashville.
23. Acts of 1903, Chapter 97, changed Chancery Court terms in the 4th Division assigning Cumberland County to the first Tuesday after the second Monday in February and August.
24. Acts of 1905, Chapter 120, changed all the court terms in the 4th Chancery Division in which were Cannon, Trousdale, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, Putnam, and Cumberland whose court term was the first Tuesday after the second Monday in February and August.
25. Private Acts of 1911, Chapter 507, set the Court terms for Cumberland County on the first Tuesday after the second Monday in February and August.
26. Private Acts of 1915, Chapter 24, changed the Chancery Court term in Cumberland County to the fourth Monday in February and August.
27. Private Acts of 1927, Chapter 406, altered the starting dates for the Chancery Courts in Clay and Cumberland Counties. Cumberland Courts would commence on the fourth Monday in April and October.
28. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the judicial structure of Tennessee into 14 Chancery Divisions. Court terms for Cumberland stayed on the fourth Monday in April and October. Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, DeKalb, Morgan, White, Putnam, and Cumberland Counties made up the Fourth Chancery Division.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Cumberland County.

1. Private Acts of 1917, Chapter 347, made females over the age of 21, married or single, eligible to be appointed as Deputy Clerk and Master in Cumberland County to serve with all the authority and with all the responsibilities and obligations of other Deputies. Anyone accepting this post will be estopped to deny any legal liability which she may assume and she will not be allowed to plead coverture against any suit brought against her on any obligation assumed as a part of her employment.
2. Private Acts of 1925, Chapter 62, provided that all the fees, commissions, emoluments, and prerequisites collected in the office of the Clerk and Master of Cumberland County would be his salary and he would be entitled to no other compensation whatsoever.

Circuit Court

The following acts were once applicable to the circuit court of Cumberland 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 1855-56, Chapter 6, which created and established Cumberland County in its present location also provided that all the courts, including the Circuit, would be held at the home of James Scott in Crossville. Cumberland was allocated to the Fourth Judicial Circuit and court terms were designated to begin on the first Monday in January, May, and September.
2. Acts of 1857-58, Chapter 95, created the 16th Judicial Circuit composed of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton Counties. The Sheriff would hold an election in each of those counties for the Judge and the Attorney-General. Court for Cumberland County would be held on the third Monday of April, August, and December. This act was passed on March 12, 1858.
3. Acts of 1857-58, Chapter 98, divided the state into sixteen Judicial Circuits. The Fifth Judicial Circuit was made up of White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress, Overton, and Cumberland Counties. Cumberland's court terms would begin on the first Monday in January, May, and September. This Act was passed on March 20, 1858.
4. Acts of 1859-60, Chapter 86, provided that the Judge of the 5th Circuit would hold the Chancery Court at Crossville in Cumberland County.

5. Acts of 1865-66, Chapter 8, created the 17th Judicial Circuit and assigned Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland Counties to it. Court for Cumberland County would be held at Crossville on the fourth Monday in March, July, and November.
6. Acts of 1865-66, Chapter 129, provided that the Judge of the 17th Judicial Circuit would hold the Chancery Court in Morgan, Fentress, Scott and Cumberland Counties at the time for holding Circuit Court in said counties.
7. Acts of 1869-70, Chapter 25, changed the time of the court term in the circuit court for Cumberland County and repealed Acts of 1865-66, Chapter 129, as the same pertained to the 17th Judicial Circuit. Cumberland County was restored to the Fifth Judicial Circuit and court would be held as previously established.
8. Acts of 1870, Chapter 31, reorganized the circuit court structure of the state into 15 Judicial Circuits. The Third was made up of Morgan, Anderson, Knox, Monroe, Roane, Fentress, Blount, Christiana, if established, and Cumberland Counties.
9. Acts of 1870, Chapter 46, established court terms for all of the circuit courts. Cumberland County Circuit Court would begin on the first Monday after the fourth Monday in March, July, and November.
10. Acts of 1873, Chapter 22, created the 16th Judicial Circuit which was composed of the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland. The court would meet in Crossville on the first Monday of April, August and December.
11. Acts of 1882 (Ex. Sess.), Chapter 3, stated in its caption that it would change the time of holding the Circuit and Chancery Courts in Cumberland County, however, this provision was not printed in the body of the Act.
12. Acts of 1883, Chapter 12, amended Acts of 1882 (Ex. Sess.), Chapter 3, to set the times for Cumberland County in the 16th Judicial Circuit. Court would be held at Crossville on the fourth Monday in March, July and November.
13. Acts of 1885, Chapter 12, provided that the Circuit and Chancery Courts for Cumberland County shall begin on the fourth Monday in April, August and December.
14. Acts of 1885 (Ex. Sess.), Chapter 20, restructured the judicial systems of the State into 14 Judicial Circuits plus one special District in Shelby County. Cumberland was delegated to the 5th Judicial Circuit with Pickett, Fentress, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale counties, and was assigned to the first Tuesday after the first Monday in February, June, and October for court dates.
15. Acts of 1887, Chapter 12, changed court terms for all counties in the Fifth Judicial Circuit. Cumberland County was switched to the fourth Monday in January, May, and September.
16. Acts of 1891, Chapter 187, amended Acts of 1885 (Ex. Sess.), Chapter 20, by detaching Cumberland County from the Fifth Judicial Circuit and attaching it to the Third Judicial Circuit whose judge would hold court at Crossville on the second Monday in March, July, and November. This Act was repealed by Acts of 1891 (Ex. Sess.), Chapter 3.
17. Acts of 1891 (Ex. Sess.), Chapter 3, repealed Acts of 1891, Chapter 187, which changed Cumberland County from the 5th to the 3rd Judicial Circuit. Cumberland was restored to the 5th Judicial Circuit and court terms were scheduled to begin on the first Monday after the fourth Monday in January, May, and September.
18. Acts of 1897, Chapter 43, Section 6, changed court terms for some of the counties in the Fifth Judicial Circuit. Cumberland's terms would start on the first Monday in April and the third Monday in October. This Act was amended by Acts of 1897, Chapter 294.
19. Acts of 1897, Chapter 294, shifted court terms in the 5th Judicial Circuit. Cumberland was scheduled to commence on the fourth Monday in April and October with the further provision that the Judge of the 5th Circuit would hold the Chancery term in April for Cumberland County.
20. Acts of 1899, Chapter 427, reorganized the judicial system in Tennessee. The State was divided into 14 Judicial Circuits. Cumberland County remained in the 5th Judicial with Pickett, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon Counties. Court would start on the fourth Monday in April and October.
21. Acts of 1901, Chapter 324, changed all the court terms in the 5th Judicial Circuit. The Circuit Court in Cumberland would begin on the first Monday in February, June, and October.
22. Acts of 1901, Chapter 461, stated that all appeals, appeals in the nature of a writ of error, and writs of error to the Supreme Court hereafter taken upon the judgment or decree of any court of

record in Cumberland County shall be heard by the Supreme Court in Nashville.

23. Acts of 1907, Chapter 122, again changed the starting dates for circuit court in all the counties of the 5th Circuit which now consisted of Smith, White, Pickett, Overton, Clay, Jackson, Putnam, Trousdale, Macon, and Cumberland whose terms would begin on the first Monday in February, June, and October.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized Tennessee's judicial structure into 20 Circuits of which the 5th Circuit was composed of Clay, White, Overton, Jackson, Putnam, Pickett, and Cumberland Counties, whose court terms would begin on the first Monday in February, June, and October for both civil and criminal cases.

Circuit Court - Clerk

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

1. Acts of 1903, Chapter 255, was a statewide salary act for Circuit Court Clerks. Cumberland County would have paid their Circuit Court Clerk \$500 per year under this statute and he would be required to file a sworn itemized statement showing all the fees collected in the office. If the fees were less than the salary, the county would pay the difference, but, if they exceeded that sum, the Clerk could retain the excess.

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney-General in the 5th Judicial Circuit. He would be appointed by the Attorney-General to serve at his pleasure and direction and would be learned in the law and at least 25 years old. His annual salary of \$1,800 would be paid out of the treasury of the State. This Act was expressly repealed by Private Acts of 1919, Chapter 16.
2. Private Acts of 1921, Chapter 553, created the office of Assistant District Attorney General in all judicial and criminal circuits composed of eleven counties or more and containing Cumberland County (identified only by narrow population class). This act was superseded by the general law codified at T.C.A. 16-2-506.
3. Public Acts of 1976, Chapter 563, created two full-time Assistant District Attorney General positions for the Fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.
4. Public Acts of 1978, Chapter 770, created the office of Criminal Investigator for Division I of the Fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.

Source URL: <https://www.ctas.tennessee.edu/private-acts/court-system-historical-notes-16>