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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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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 Warren County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1827 (Ex. Sess.), Chapter 75, authorized the Court of Pleas and Quarter Sessions (Quarterly County Court) of Warren County to levy a tax in addition to all other taxes to pay jurors who attend the Circuit and County Courts, provided the pay shall not exceed \$1.00 per day.
2. Acts of 1905, Chapter 291, created a Board of Jury Commissioners for Warren County, to be comprised of three citizens and freeholders of the county and to be appointed by the Circuit Court Judge. The Judge would certify their names to the Clerk of the Circuit Court, who would summon them to meet at the courthouse at least 30 days before the next term of court. After being sworn, they would meet and select the number of jurors specified by the judge, and give the list to the Clerk, who would keep it secretly sealed until ten days before Court, at which time it would be given to the Sheriff for summoning said jurors. Any person appointed to the Board and refusing to serve could be fined, and those serving would be paid \$1.50 per day for their service. The mechanics of furnishing jurors for the various courts were spelled out in the act, and some limitations were placed on the qualifications and frequency of service by a juror. Provisions were made for special panels and also in the event the original number was exhausted. This Act was specifically repealed by the following referenced act.
3. Acts of 1907, Chapter 66, specifically repealed Acts of 1905, Chapter 291, in its entirety.
4. Private Acts of 1927, Chapter 354, created another Board of Jury Commissioners for the County, and was very similar to the repealed prior act. The Board would be composed of three discreet and disinterested citizens and freeholders appointed by the Judges of the Circuit, Chancery, and Criminal Courts for two-year terms. Vacancies would be filled in the same way as the original appointments were made and the Circuit Court Clerk, or a Deputy, would serve as Clerk of the Board. The Board would compile a list of prospective jurors equal to one-fourth of the total votes cast in the most recent prior general election. Details were more numerous and dealt with the bookkeeping, records, and selection, summoning and grounds for excusing of jurors. Any new list to be compiled would not include the names on the current list. Members of the Board would get \$2.00 daily, but their compensation could not exceed \$10 yearly. This Act was repealed by the one following.
5. Private Acts of 1931, Chapter 13, specifically repeals Private Acts of 1927, Chapter 354, above, in its entirety.
6. Private Acts of 1935, Chapter 830, created another Board of Jury Commissioners primarily and substantially the same as was created by the preceding acts. The list of jurors to be compiled would number one-fourth of the votes cast in the last presidential election, the same to be taken from the tax books. The act prescribes the means by which jury panels would be chosen from this list; each person not selected would be placed back in the Jury Box. The act also numbers the amount of peremptory challenges each side of the litigation would have for excusing jurors. This Act was repealed by Private Acts of 1937, Chapter 224.
7. Private Acts of 1935 (Ex. Sess.), Chapter 146, also established a Board of Jury Commissioners in Warren County, which for all apparent purposes is similar to the previous Acts of this nature and to the 1941 Act which is published herein as a source of information on this type of law, even though all of them have been repealed and are no longer in effect.
8. Private Acts of 1937, Chapter 224, specifically repealed Private Acts of 1935, Chapter 830, (Item 6, above).
9. Private Acts of 1941, Chapter 334, also established a three-member Board of Jury Commissioners, with provisions similar to the previous acts.
10. Private Acts of 1949, Chapter 51, provided that all members of Grand Juries and Trial Juries in Warren County would receive \$4.00 daily for their services, and, if they lived more than ten miles from the Courthouse, would receive additional compensation of four cents a mile for travel allowances. The Clerk of the Court under whose jurisdiction the Juror served would certify the name of the Juror and the amount due to him or her to the County Judge, who would then issue warrants, to be paid by the Trustee.

Chancery Court The following acts form an outline of the development of equity jurisdiction in Warren

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. Acts of 1822 (Ex. Sess.), Chapter 13, required that the justices of the Supreme Court hold an Equity Court at least once each year at Rogersville, Knoxville, Charlotte, Sparta, Nashville, and Columbia.
2. Acts of 1824 (2nd Sess.), Chapter 14, provided that the Supreme Court of the state would be held only at Knoxville, Sparta, and Nashville, that two more justices would be appointed by the General Assembly and that Chancery Court would then be held twice a year in all sections rather than once. The court would be held on the second Monday in June and December in McMinnville for White, Warren, Franklin, Marion, and Bledsoe counties.
3. Acts of 1826 (Ex. Sess.), Chapter 150, changed the time for holding Chancery Court at McMinnville to the first Monday in June and December instead of the second.
4. Acts of 1827, Chapter 79, divided the state into two Chancery Divisions. The Eastern Division consisted of the courts held at Rogersville, Kingston, Carthage, Greenville, and McMinnville, where the court terms for White, Franklin, Bledsoe, Warren, and Marion counties would begin on the third Monday in June and December.
5. Acts of 1827, Chapter 121, changed the court days for the Chancery Court at McMinnville to the second Mondays in June and December.
6. Acts of 1832 (Ex. Sess.), Chapter 19, changed the first days of court terms for the entire Eastern Division of the Chancery Court. The court at McMinnville would commence on the fourth Mondays in June and December and continue for two weeks or more, if need be.
7. Acts of 1835-36, Chapter 4, divided the state into three Chancery Divisions, but also divided the grand sections into smaller districts. Warren and White counties were in the second district of the Middle Division, with court to be held at McMinnville on the second Mondays in January and July.
8. Acts of 1837-38, Chapter 116, Section 13, again assigned Warren and White counties to the second district of the Middle Division, but changed the court days at McMinnville to the fourth Mondays in January and July.
9. Acts of 1839-40, Chapter 21, set the court times for the new Fourth Chancery Division at McMinnville in Warren County on the fourth Mondays of January and July.
10. Acts of 1839-40, Chapter 33, divided the state into four Chancery Divisions. The Fourth Division consisted of the courts held at McMinnville, Livingston, Carthage, Winchester, Lebanon, Murfreesboro, and Shelbyville.
11. Acts of 1843-44, Chapter 161, changed the court terms of the Chancery Court at McMinnville to be held on the third Mondays in April and October.
12. Acts of 1845-46, Chapter 82, again changed the Chancery Court times in McMinnville's court to the fourth Mondays in March and September.
13. Acts of 1857-58, Chapter 88, divided the state into the Eastern, Middle, and Western Divisions, and into the Fourth, Fifth, and Sixth Divisions. Warren County was in the Fourth Division with Van Buren County, and retained the same court terms as before, the fourth Mondays of March and September.
14. Acts of 1866-67, Chapter 33, placed Warren County in the new Twelfth Chancery Division with White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, and Cannon and assigned her the same court terms.
15. Acts of 1868-69, Chapter 17, changed the court terms for Warren at McMinnville to the first Mondays in May and November.
16. Acts of 1870, Chapter 32, re-designated the twelfth Chancery District to be the fourth District, comprised of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, and Grundy Counties.
17. Acts of 1870, Chapter 47, placed Warren in the Fourth Chancery Division with Court terms beginning on the first Mondays of May and the fourth Mondays of November.
18. Acts of 1875, Chapter 53, changed the times of the Chancery Court terms in McMinnville to the first Mondays in May and November.
19. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven Chancery Divisions. Warren was in the Fourth Division with Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall Counties, and court terms started on the second Mondays in February and August. This statute was cited as part of the basis for the decision in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).

20. Acts of 1887, Chapter 144, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of holding Chancery in Warren County to the second Mondays in May and November.
21. Acts of 1889, Chapter 214, amended Acts of 1887, Chapter 144, above, to alter court terms to the fourth Monday of May and November.
22. Acts of 1891, Chapter 209, amended Acts of 1889, Chapter 214, above, by changing the starting dates of the court terms in Warren to the fourth Monday of May and the third Monday of November.
23. Acts of 1899, Chapter 99, amended Acts of 1891, Chapter 209, above, by also changing the Chancery Court terms to begin on the fourth Mondays of May and November.
24. Acts of 1899, Chapter 427, reorganized the judicial structure of the state by dividing it into ten Chancery Divisions. The Third Chancery Division was comprised of Warren, Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Monroe, Polk, Meigs, and Hamilton. Court days at McMinnville were on the second Mondays in March and September.
25. Acts of 1911, Chapter 435, reorganized the Third Chancery Division by removing all of the counties listed above, except Hamilton County, and placing them into a newly created Twelfth Chancery Division.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act published in the Private Acts which reorganized the courts. Among the fifteen Chancery Divisions, Warren was in the twelfth with Rhea, McMinn, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe and Franklin. Court terms started on the fourth 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 Warren County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 31, used population figures but applied only to Warren County. This act increased the salary of the Clerk and Master to \$1,000 annually if he filed with the Judge or Chairman of the County Court by January of each year a sworn, itemized statement showing all the fees received by his office. If the fees failed to equal that amount, the county was to pay him the difference out of its regular funds, but if the fees exceeded that sum, he was to keep the difference. This Act was specifically repealed by Private Acts of 1937, Chapter 588.
2. Private Acts of 1929, Chapter 380, amended Private Acts of 1913, Chapter 31, above, by raising the salary of the Clerk and Master to \$1,200, instead of \$1,000, under the same terms as were expressed in that act.
3. Private Acts of 1937, Chapter 588, fixed the salary of the Clerk and Master at \$1,200 annually, under the same terms as before except that the Clerk and Master was not required to include his commissions in the amount of fees to be used in the accounting, those being expressly excluded. This Act expressly repealed Private Acts of 1913, Chapter 31.

Circuit Court

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

1. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. Warren, Smith, Franklin, Sumner, Overton, White, and Jackson Counties were in the third Judicial Circuit. Circuit Court was to be held twice annually and for Warren County, the court terms started on the third Monday in February and August.
2. Acts of 1812, Chapter 71, changed the court terms for the Circuit Court of Warren County to begin on the fourth Monday of January and July.
3. Acts of 1813, Chapter 133, also changed the beginning dates for the Circuit Court terms in Warren County and others. Warren County was changed to the fourth Monday of February and August.
4. Acts of 1817, Chapter 139, changed the court term dates for all of the Western Tennessee Counties. Warren County was switched to the third Mondays in February and August.
5. Acts of 1819, Chapter 232, changed all the court days in the Third Judicial Circuit. In Warren County, the Circuit Court at McMinnville would commence on the second Monday in September for two weeks, and on the third Monday in March.
6. Acts of 1821, Chapter 172, changed the terms of the Circuit Court in several counties among which was Warren whose court terms were set for the second Mondays in February and August.

7. Acts of 1824, Chapter 156, authorized the judges presiding in the counties of Warren and Washington, to appoint a time most convenient for the parties involved for holding a special term of the courts of those counties for the trial of all causes, both criminal and civil.
8. Acts of 1826 (Ex. Sess.), Chapter 150, again changed the starting days for Circuit Court terms in Warren County to the fourth Mondays in January and July to be held for three weeks, or longer, if necessary.
9. Acts of 1829, Chapter 52, created a new eleventh Judicial Circuit for the state composed of Warren, Franklin, Bedford, Rutherford, and Wilson Counties. A Circuit Judge was to be assigned to hold court in the new circuit.
10. Acts of 1835-36, Chapter 5, divided Tennessee into eleven Judicial Circuits. Warren County was placed in the Fourth Judicial Circuit in company with Smith, Overton, White, Jackson, and Fentress Counties. Court would be held at McMinnville for Warren County on the third Monday of January, May, and September.
11. Acts of 1837-38, Chapter 3, again reorganized the judicial structure of Tennessee. Warren County was situated in the thirteenth of fourteen Judicial Circuits with Lincoln, Franklin, and Coffee Counties. Court day remained on the third Mondays of January, May, and September.
12. Acts of 1837-38, Chapter 116, changed the times for holding court in some of the counties of the thirteenth Judicial Circuit. Warren changed to the third Mondays of April, August, and December.
13. Acts of 1839-40, Chapter 21, again reset the opening dates for Circuit Court terms in Warren and others. Warren County began on the third Mondays of January, May, and September.
14. Acts of 1841-42, Chapter 68, was a special act changing the Circuit Court terms in Warren County alone to the second Mondays of January, May, and September.
15. Acts of 1845-46, Chapter 27, changed court terms in the thirteenth Judicial Circuit, with Warren County returning to the third Mondays in January, May, and September.
16. Acts of 1847-48, Chapter 181, reset court days throughout the Thirteenth Circuit, changing Warren County to the fourth Mondays of February, June, and October.
17. Acts of 1849-50, Chapter 206, changed the time of holding of the Circuit Courts in the thirteenth Judicial Circuit, with Warren County set on the second Mondays in April, August, and December.
18. Acts of 1853-54, Chapter 125, provided that the Circuit Court in Warren County begin its terms on the first Monday in February, June, and October.
19. Acts of 1857-58, Chapter 98, divided the state into sixteen Judicial Circuits. Warren was assigned to the Eighth Circuit along with Grundy, Van Buren, Coffee, Lincoln, and Franklin Counties. Court terms would begin in McMinnville on the first Mondays of February, June, and October.
20. Acts of 1870, Chapter 31, organized Tennessee into fifteen Judicial Circuits. Warren County was in the sixth Circuit along with Grundy, Coffee, Franklin, Lincoln, and Van Buren Counties.
21. Acts of 1870, Chapter 46, established court terms for all the circuits. Warren County court terms would begin on the first Mondays of February, June, and October.
22. Acts of 1870-71, Chapter 15, was a special act changing only the court days for Warren County to the fourth Mondays in January, May and September, with all process to be made returnable thereto.
23. Acts of 1875, Chapter 53, changed Circuit Court times in Warren to the Tuesday after the fourth Monday of January, May, and September.
24. Acts of 1877, Chapter 141, provided that the Circuit Court terms would be changed in Warren County to the second Mondays of February, June, and October.
25. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen Judicial Circuits for Tennessee, placing Warren County in the sixth with Van Buren, Grundy, Franklin, Coffee, Moore, Lincoln, DeKalb, and White. Court terms were to start on the Tuesdays after the fourth Mondays in January, May, and September. This statute was cited in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
26. Acts of 1887, Chapter 8, changed court terms for all of the sixth Judicial Circuit. Warren shifted to the first Thursdays after the second Mondays in January, May, and September.
27. Acts of 1889, Chapter 214, changed times of the Circuit Court terms in Warren County to the second Monday in January, May, and September.
28. Acts of 1891, Chapter 156, amended Acts of 1889, Chapter 214, by changing the initial days of Circuit Court terms in Warren County to the Thursday after the second Monday in January and May, and the third Monday in September.

29. Acts of 1895, Chapter 97, repealed Acts of 1887, Chapter 8; and Acts of 1891, Chapters 34, 156 and 208; and set the Circuit Court terms in Warren County on the first Mondays of January, May, and September.
30. Acts of 1899, Chapter 427, reorganized all the judicial structure of Tennessee. Warren was placed in the seventh of fourteen Judicial Circuits, along with Van Buren, Grundy, Coffee, Moore, DeKalb, Bledsoe, Rhea, and Lincoln Counties. Court days in Warren were on the Thursday after the second Monday in January, and May, and after the third Monday in September.
31. Acts of 1903, Chapter 580, changed Circuit Court terms in the seventh Judicial Circuit. Warren was changed to the first Tuesdays after the third Mondays in May, September, and January.
32. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a public act reorganizing the entire judicial system of Tennessee into twenty judicial circuits. Warren, Coffee, Moore, Lincoln, DeKalb, and Van Buren Counties composed the Seventh Judicial Circuit and court terms for Warren were on the first Tuesday after the third Monday in January, May, and September.

- **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Warren County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk shall have the benefit of using the said building or they can use another one by paying this Clerk or his heirs the fair market value of the building.
2. Acts of 1903, Chapter 255, was an act which provided for the salaries of Circuit Court Clerks alone, according to population classes. Based on the census of 1900, Warren County's Clerk would be paid \$750 annually.
3. Private Acts of 1919, Chapter 775, declared that the Circuit Court Clerks of Warren and Marshall Counties would receive an annual salary of \$900 if the clerk would file with the Judge or Chairman of the County court in January of each year a sworn, itemized statement of all fees received. If the fees did not equal that amount, the county would pay the difference; but, if they exceeded that amount, the Clerk could retain the difference. This Act was repealed by Acts of 1923, Chapter 115.
4. Private Acts of 1927, Chapter 434, amended Acts of 1919, Chapter 775, above, by increasing the salary of the Circuit Court Clerk to \$1,000 per year under the same terms and conditions expressed in that act.
5. Private Acts of 1929, Chapter 379, was a new act with a general repealing clause which raised the salary of the Circuit Court Clerk to \$1,200 and repeated the same terms and conditions as before.

District Attorney General - Assistants and Criminal Invesitgators

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

1. Private Acts of 1817, Chapter 65, laid the State of Tennessee off in Solicitorial Districts, which were comparable to the circuits now manned by District Attorney Generals, and also created a new sixth Judicial Circuit. Bledsoe, Warren, Overton, Jackson, and White Counties composed the Fifth Solicitorial District.
2. Private Acts of 1819, Chapter 4, provided for a Solicitor General to be appointed for a new district composed of Macon, Bledsoe, Warren, White, Overton, and Jackson counties.
3. Public Acts of 1972, Chapter 680, authorized the District Attorney in the Seventh Judicial Circuit to hire a secretary at a salary of \$2,400 per annum.
4. Public Acts of 1974, Chapter 423, created the office of Criminal Investigator for Division 1 and for Division 2 of the Seventh Judicial Circuit. This Act was repealed by Public Acts of 1975, Chapter 221, which created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit. Said Act set forth the requirements and duties of these positions.
5. Public Acts of 1975, Chapter 221, repealed Public Acts of 1974, Chapter 423, and created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit, to be appointed by the District Attorney General. The Criminal Investigators were to

investigate crime, take statements of witnesses in felony cases and perform such other duties as may be assigned by the District Attorney General. At least one of them was to be an attorney licensed to practice in Tennessee. They were to have the same authority and powers as deputies of County Sheriffs.

6. Public Acts of 1976, Chapter 510, was a Special Public Act which created an additional office of full-time Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by the District Attorney General, and licensed to practice law in the State of Tennessee. The Assistant District Attorney General was to perform such duties as might be assigned by the District Attorney General, and compensation would be as provided by the general law of the State. The Act was amended by Public Acts of 1977, Chapter 466, which deleted the provision that no state funding was to be provided for the full-time Assistant Attorney General position until one Criminal Investigator position in the district had been eliminated.
7. Public Acts of 1977, Chapter 466, amended Public Acts of 1976, Chapter 510, by removing the last sentence in Section 3 which cut off state funding of the Assistant Attorney General's position created in that act as long as the Judicial Circuit had two criminal investigators supported by state funds.

General Sessions Court

The following acts once affected the general sessions court of Warren County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1943, Chapter 372, made the General Sessions Judge and the County Judge interchangeable so that one could preside in the absence of the other.
2. Private Acts of 1957, Chapter 305, would have amended Private Acts of 1941, Chapter 91, by increasing the salary of the Judge from \$2,400 to \$4,200 annually, but this act was rejected at the local level and did not become law.
3. Private Acts of 1959, Chapter 335, would have repealed Private Acts of 1949, Chapter 54, (which in turn was to amend Private Acts of 1941, Chapter 91), and in effect remove the divorce jurisdiction from the General Sessions Court, but this Act was also rejected at the local level and did not become effective.

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