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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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# Court System - Historical Notes

## **Board of Jury Commissioners - Jurors**

The following act once affected jurors or boards of jury commissioners in Trousdale County, but is no longer operative.

1. Private Acts of 1955, Chapter 109, created a three member Board of Jury Commissioners for Trousdale County who would be elected by the people for two year terms. The necessary qualifications were specified in the Act. Lloyd J. Donly, Jack A. Key and Hubert Winn were named as the first Board until their successors could be elected. The Clerk of the Circuit Court would serve as Clerk of the Board. The Board would select the names of not less than 300 resident citizens who would comprise the jury list. Between 25 and 20 days before the start of the court term the Board would unlock the jury box and the names of the jurors for that term would be drawn from the box. The Jury Commissioners would receive \$50 per annum compensation plus the same per diem and mileage for each day's service. This Act was rejected by the voters of Trousdale County and consequently never became an effective law because of the Home Rule provisions of the State Constitution.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Trousdale County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1870, Chapter 32, divided the State into twelve Chancery Districts assigning to the 6th District the Counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham and Trousdale, if established.
2. Public Acts of 1870, Chapter 47, established a schedule for the terms of the Chancery Courts for every county in the State. Trousdale County would begin the terms of the Chancery Court on the third Monday in February and August.
3. Public Acts of 1873, Chapter 12, repealed that part of Public Acts of 1870, Chapter 47, concerning the opening dates of the terms of the Chancery Court for all the counties in the 6th Chancery Division. The terms of the Trousdale Chancery Court would now begin on the first Monday in February and August at Hartsville.
4. Public Acts of 1877, Chapter 47, reset the terms of the Chancery Courts in the 6th Chancery Division shifting Trousdale County to the fourth Monday in January and June at Hartsville.
5. Public Acts of 1879, Chapter 36, rescheduled the terms of the Chancery Courts in the 6th Chancery Division but Trousdale County's Chancery Court would continue to meet on the fourth Monday in January and June.
6. Public Acts of 1883, Chapter 31, amended Public Acts of 1879, Chapter 36, by rearranging the schedule of the Chancery Court terms in the 6th Chancery Division moving Trousdale County to the third Monday in January and June at Hartsville.
7. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower court system in the State of Tennessee in which eleven Chancery Divisions were formed. The 8th Chancery Division had in it the Counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale whose courts would continue to convene on the third Monday in January and June.
8. Public Acts of 1899, Chapter 427, was a major overhaul of the lower judicial organization in Tennessee. There were ten Chancery Divisions formed of which the Fourth Division was made up of the Counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale whose courts would convene at Hartsville on the second Monday in January and July.
9. Private Acts of 1903, Chapter 97, stated that the Chancery Courts in the Fourth Chancery Division would be held as directed in this Act. The Chancery Courts in Trousdale County would begin its terms on the second Tuesday in January and July.
10. Private Acts of 1905, Chapter 120, changed the schedule of opening dates for Chancery Court terms in the Fourth Chancery Division. Trousdale County would call the Chancery Court to meet on the first Tuesday after the second Monday in January and July.
11. Private Acts of 1911, Chapter 507, changed some of the court dates for the Chancery Courts of the counties in the Fourth Chancery Division but Trousdale's Court would continue to meet on the

first Tuesday after the second Monday in January and July.

12. Private Acts of 1927, Chapter 40, rearranged the Chancery Court terms for Trousdale, Smith, Macon and Pickett Counties in the Fourth Chancery Division scheduling Trousdale to begin on the second Monday in January and July.
13. Public Acts of 1969, Chapter 198, provided that the Seventeenth Chancery Division be created to serve Wilson, Sumner, Macon, Smith and Trousdale Counties. This act was superseded by the general law codified at T.C.A. 16-2-506.

### **Chancery Court - Clerk and Master**

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

1. Private Acts of 1915, Chapter 190, stated that in Trousdale County the Clerk and Master of the Chancery Court shall receive \$600 per year as salary, but he must file a sworn, itemized statement with the County Judge, or Chairman, each Quarter showing the total amount of fees collected in the office. If the fees did not equal the salary, the County would pay the difference each quarter, but if the fees exceeded the salary, the Clerk and Master could retain the excess.
2. Private Acts of 1917, Chapter 104, amended Private Acts of 1915, Chapter 190, by adding a provision which did not require the Clerk and Master to account for the fees received for transcripts, for commissions on the sale of lands, and for their compensation as receivers and special commissioners, when the Clerk and Master filed the report of fees with the County Judge, or Chairman.
3. Private Acts of 1917, Chapter 305, declared that, in Trousdale County, women over the age of 21 years shall be eligible to the office of Deputy Clerk and Master with all the duties and responsibilities now conferred by law upon that position.
4. Private Acts of 1923, Chapter 597, fixed the amount of the ex-officio or supplemental salary of the Sheriff, the Circuit Court Clerk, and the Clerk and Master of Trousdale County. The Clerk and Master would be paid \$360 per year over and above and in addition to all the fees of the office, the above amount being payable quarterly out of the regular county funds. This Act was repealed by Private Acts of 1933, Chapter 447.
5. Private Acts of 1925, Chapter 386, fixed the salary of the Clerk and Master of Trousdale County at \$750 per year which amount would be paid quarterly out of the regular county funds on a warrant drawn by the County Judge or Chairman. This salary would be in addition to the fees collected in the office. This Act was also repealed by Private Acts of 1933, Chapter 447.
6. Private Acts of 1933, Chapter 444, authorized the Quarterly Court of Trousdale County to supplement the ex-officio salaries of the Sheriff, the Circuit Court Clerk, and the Clerk and Master whose salary supplement shall not exceed \$750 per year.
7. Private Acts of 1945, Chapter 180, was the authority for the Quarterly Court of Trousdale County to set the salary of the Clerk and Master in an amount not to exceed \$1,000 per year. The fees and the commissions shall continue to be the fees and commissions of the office which the Clerk and Master would retain.

### **Circuit Court**

The following acts were once applicable to the circuit court of Trousdale 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 1870-71, Chapter 76, attached Trousdale County to the Seventh Judicial Circuit whose Judge would hold the Trousdale County Circuit Court at Hartsville on the first Monday in January, May and September. This Act was repealed by Public Acts of 1879, Chapter 184.
2. Public Acts of 1873, Chapter 22, Section 5, detached Trousdale County from the Seventh Judicial Circuit and attached it to the Fifth Judicial Circuit, changing the terms of Court to begin on the fourth Monday in January, May and September. The Judge of that Circuit would hold the Court and the Attorney-General of that Circuit would prosecute the cases in Trousdale County.
3. Public Acts of 1875, Chapter 137, Section 6, provided that after June 1, 1875, the Circuit Court of Trousdale County would begin its terms on the fourth Monday of April, August, and December.
4. Public Acts of 1877, Chapter 26, stated that the term of the Circuit Court in Trousdale County which began on the fourth Monday in December shall hereafter begin on the third Monday in December and all process shall be made to conform to that date.
5. Public Acts of 1879, Chapter 184, stated that since some question had been raised about the

constitutionality of Public Acts of 1873, Chapter 22, this Act was passed so as to remove any doubt. Trousdale County was hereby attached to the Fifth Judicial Circuit and court would be held on the fourth Monday of April and August and the third Monday of December.

6. Public Acts of 1881, Chapter 92, rearranged the terms of Court for the Circuit Courts of the 5th Judicial Circuit which included the counties of DeKalb, Smith, Jackson, Clay, Putnam, White, and Trousdale whose Courts would convene on the first Tuesday after the fourth Monday in April and August, and on the first Tuesday after the third Monday in December.
7. Acts of 1885 (Ex. Sess.), Chapter 20, constituted a major reorganization of the lower judicial structure in Tennessee in which fourteen judicial circuits were formed. The Fifth Circuit was composed of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale where the Circuit Court would start on the first Tuesday after the third Monday in March, July and November.
8. Public Acts of 1887, Chapter 12, rescheduled the dates for opening the terms of the Circuit courts in the 5th Judicial Circuit moving Trousdale County to the fourth Monday in March, July and November.
9. Acts of 1891 (Ex. Sess.), Chapter 3, changed the dates for the terms of the Circuit Courts in the 5th Judicial Circuit including Trousdale County whose courts would commence on the second Monday after the fourth Monday in March, July and November.
10. Public Acts of 1897, Chapter 43, Section 6, amended Acts of 1885 (Ex. Sess.), Chapter 43, to reschedule the times for holding court in the Fifth Judicial Circuit. Trousdale County's Circuit Court would meet on the third Monday in April, July and November.
11. Private Acts of 1897, Chapter 294, amended Public Acts of 1897, Chapter 43, to reset the terms of the Circuit Courts of the Counties in the 5th Judicial Circuit listing them as Putnam, White, Overton, Pickett, Clay, Jackson, Macon, Smith, Cumberland, and Trousdale whose court would meet on the second Monday after the fourth Monday in March, July, and November.
12. Acts of 1899, Chapter 83, amended Private Acts of 1897, Chapter 294, to change the dates for the terms of the Circuit Court in Trousdale County to the third Monday in March, and the second Monday after the fourth Monday in July and November.
13. Acts of 1899, Chapter 357, amended Private Acts of 1897, Chapter 294, by changing the terms of the Circuit Courts in Macon, Smith, and Trousdale Counties. Trousdale would start the Circuit Court terms on the third Monday in March, and the fourth Monday in July and November.
14. Public Acts of 1899, Chapter 427, reorganized the lower court system in Tennessee into fourteen Judicial Circuits. The Fifth Judicial Circuit contained the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon. The Circuit Court would begin in Trousdale County on the second Monday after the fourth Monday in March, July and November.
15. Private Acts of 1901, Chapter 324, fixed the terms of the Circuit Court for all the counties in the 5th Judicial Circuit. Trousdale was changed to the fourth Monday in March, July and November.
16. Private Acts of 1907, Chapter 122, stated that the Circuit Courts for the counties of the 5th Judicial Circuit would be held as scheduled in this Act. Trousdale County was scheduled for the fourth Monday in March, July and November.
17. Public Acts of 1967, Chapter 10, removed Jackson, Smith, Macon, Trousdale and Wilson Counties from the Fifth Judicial Circuit for civil jurisdiction purposes and placed these counties in a new Twenty-fifth Judicial Circuit with a new circuit judge. This act was superseded by the general law codified at T.C.A. 16-2-506

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Trousdale 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 206, provided that the Circuit Court Clerk of Trousdale County shall receive \$600 as his annual salary provided a sworn, itemized statement showing all the fees collected by the office is filed quarterly with the County Judge, or Chairman. Fees for transcripts and commissions received on sales of land and while serving as a receiver were exempted. If the fees were less than the salary, the county would pay the difference to the Clerk. If the fees exceeded the salary, the Clerk would pay the excess to the County.
2. Private Acts of 1923, Chapter 597, set the ex-officio or supplementary salaries for the Sheriff, the Clerk and Master, and the Circuit Court Clerk of Trousdale County. The Circuit Court Clerk would

receive, in addition to all the fees and commissions of the office, the sum of \$240 per year, payable quarterly. This Act was repealed by Private Acts of 1933, Chapter 447.

3. Private Acts of 1931, Chapter 107, Pages 244, fixed the ex-officio salary of the Circuit Court Clerk of Trousdale County at \$600 per year which would be paid quarterly out of regular County funds on the warrant of the County Judge, or Chairman. This salary was in addition to and over and above all the fees and emoluments of the office. This Act was repealed by Private Acts of 1933, Chapter 447.
4. Private Acts of 1933, Chapter 444, allowed the Quarterly Court of Trousdale County in their discretion to supplement the ex-officio salaries of the Sheriff, the Clerk and Master, and the Circuit Court Clerk but the salary supplement of the Circuit Court Clerk could not exceed \$840 per year.
5. Private Acts of 1945, Chapter 66, was the authority for the Quarterly Court to fix the salary of the Circuit and Criminal Court Clerks in an amount not to exceed \$125 per month. All the fees of the office would be paid over to the general fund of the County, it being the intention of this Act that the Clerk only be compensated by the salary fixed in the Act.

### **Criminal Court**

The following acts once pertained to the Trousdale County Criminal Court, but are no longer current law.

1. Private Acts of 1907, Chapter 85, created the Criminal Court of the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith. Court would be held in Trousdale County on the fourth Monday in March, July and November. The Circuit Court Clerk would serve as Clerk of the Criminal Court. The Judge of this Court would also hold the Circuit Courts in Pickett, Macon and Trousdale counties.
2. Private Acts of 1909, Chapter 547, amended Private Acts of 1907, Chapter 85, to reset the terms for the Criminal Courts in Trousdale and Smith Counties. Trousdale Criminal Court would meet on the first Monday after the fourth Monday in March, July and November.
3. Private Acts of 1911, Chapter 648, amended Private Acts of 1907, Chapter 85, so as to change the opening dates for Smith and Trousdale counties. The Criminal Court in Trousdale County would meet on the fourth Monday in March and November and the first Monday in August.
4. Public Acts of 1978, Chapter 798, created a criminal court for the Twenty-Fifth Judicial Circuit, designating judges and other officials of the criminal court for Division II of the Fifth Judicial Circuit as the judges and officials of the criminal court of the Twenty-fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.

### **District Attorney General - Assistants and Criminal Investigators**

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

1. Private Acts of 1907, Chapter 381, created the office of Assistant Attorney- General in the Fifth Judicial Circuit who would serve at the pleasure of and in accordance with the assignments of the District Attorney. The Assistant Attorney General would be at least 25 years of age, learned in the law, and would be paid a salary of \$1,800 per year. This Act was repealed by Private Acts of 1919, Chapter 166, page 396.

### **General Sessions**

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

1. Private Acts of 1961, Chapter 52, created and established the office of Night Judge for the General Sessions Court of Trousdale County, who would be subject to call and be able to perform all the duties of the General Sessions Judge at night and after the regular hours of the Court. The regular Judge would be permitted to serve as the Night Judge and he would be compensated at the rate of \$35 per month for this extra duty. This Act was not approved by the Quarterly Court of Trousdale County and never became an effective law.
2. Private Acts of 1974, Chapter 368, would have transferred all the jurisdiction of the County Judge in juvenile and probate matters to the Court of General Sessions of Trousdale County. This Act was not approved by the Quarterly County Court and never took effect.