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# Court System - Historical Notes

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Sincerely,

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# Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Hardin County, but are no longer operative.

1. Acts of 1907, Chapter 365, created a three-member Board of Jury Commissioners for Hardin County to be appointed by the Judges of the Circuit Court. The members would be of good moral character and would have no suit or interest in a suit pending in the courts. The Board would then compile a list of thirty-seven jurors, or more if the order specified it. The jurors' names would be entered in a proper book, a list made up, certified by the Board, and presented to the Judge. This list would be kept secret. All who refused to serve as jurors were subject to a fine. Board members would be paid \$2.00 per day. Provisions were made for extra or special panels to be summoned and the Judge could at any time order additional names to be put on the list. The jurors would compose the grand and petit juries of the County during the term of Court during which they were named.
2. Private Acts of 1911, Chapter 115, required the Circuit Court Judge to appoint a three-member Board of Jury Commissioners to select thirty-seven or more jurors for each term of Court. The act provided for the keeping of a jury list to be held in secret except for the judges and commissioners. Penalties were set for violation of the act. Qualifications of the jurors were prescribed.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 38, provided that in Hardin County any person in attendance in the Courts as a regularly summoned juror, who was excused or did not actually serve as such juror, would be entitled to receive compensation for one day as provided by law for the payment of jurors.
4. Private Acts of 1923, Chapter 343, amended Public Acts of 1919, Chapter 37, by exempting Hardin County from the provisions of the public law which authorized the Criminal Court Judge, or the Judge of the Circuit Court having criminal jurisdiction, to appoint foremen of the grand juries of the counties and which also established the per diem rate of compensation for the appointed foremen.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hardin 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, stated that the Chancery Courts of Tennessee would be held at least once each year by one of the Judges of the Supreme Court of Errors and Appeals at the then present places of holding the Supreme Court. The Equity Courts would be held at Rogersville on the first Monday in November; at Knoxville on the third Monday of November; at Charlotte on the fourth Monday in December; at Sparta on the second Monday in December; at Nashville on the fourth Monday in January; and at Columbia on the second Monday in January. Each term would continue for two weeks unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, required that the Judges of the Supreme Court make the arrangements among themselves to hold the Chancery Courts of the State at least twice each year at Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Charlotte, Jackson and Carthage. The Court would be held for the Counties of Maury, Bedford, Lincoln, Giles, Wayne, Lawrence, and Hardin on the first Monday in March and September in Columbia.
3. Public Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, the Eastern and Western. The Western Division was composed of the courts which met at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Public Acts of 1829, Chapter 52, created a Tenth Judicial Circuit composed of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby Counties. The Judge of the Circuit would be elected by the ballot of both houses of the General Assembly. The same Counties would constitute a Chancery Division, the Court for which would meet at Bolivar in Hardeman County on the first Monday in May and November. A Clerk and Master would be appointed and would be paid as other Clerks and Masters in the State.
5. Public Acts of 1831, Chapter 57, provided that a Chancery Court would be organized in the Western Division and would meet in the town of Pulaski for the Counties of Giles, Lincoln, Lawrence, Wayne, and Hardin. Court terms would begin on the second Monday in April and

October and continue until the docket was completed.

6. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Wayne and Hardin Counties were placed in the Tenth District of the Division, the Court for which would be held on the second Monday in March and September in Savannah.
7. Public Acts of 1835-36, Chapter 20, Section 8, stated that the Chancellor of the Western Division would hold the Chancery Courts at Savannah, Charlotte, and Clarksville unless a different arrangement was made and that he would also appoint the Clerk and Master for each of these.
8. Acts of 1841-42, Chapter 83, changed the starting dates for the terms of the Chancery Court at Savannah to the first Monday in March and September and directed that all reports, process, and proceedings would be returnable on the new dates.
9. Acts of 1845-46, Chapter 124, changed the schedule for opening the Chancery Courts in several of the counties. The act provided that the Chancery Court at Savannah would be held on the fourth Monday in February and the first Monday in September, except that the next term would be on March 1.
10. Acts of 1847-48, Chapter 181, established a Chancery Court at Waynesborough in Wayne County for Lawrence, Hardin, and Lewis Counties. The citizens of those Counties could file their Bills in Equity in the said Court, or at Lawrenceburg or Savannah. The Waynesborough Court was assigned to the State's Middle Division and would meet on the third Monday in June and December.
11. Acts of 1851-52, Chapter 105, changed the starting dates for the Chancery Court terms in Wayne and Hardin Counties. In Hardin County the Court would open on the fourth Monday in March and September of each year.
12. Acts of 1853-54, Chapter 54, created the Sixth Chancery Division containing the Counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, and Lawrence.
13. Acts of 1855-56, Chapter 112, changed the schedule for holding the Chancery Courts of the Sixth Chancery Division which still contained the same counties. The Courts in Hardin County would begin on the Thursday after the third Monday in February and August.
14. Public Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Hardin County was in the Sixth Division with Carroll, Henderson, McNairy, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Decatur, and Perry Counties. Chancery Court terms at Savannah would begin on Thursday after the third Monday in February and August.
15. Public Acts of 1866-67, Chapter 4, changed the court schedule in the Fifth Chancery Division which was composed of the Counties of Hardin, Hickman, Dickson, Humphreys, Henderson, McNairy, Wayne, Lawrence, Decatur, and Perry. The terms of Court in Hardin County would begin at Savannah on the third Monday in April and October.
16. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Ninth District was composed of the Counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Wayne, and Hardin.
17. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the starting dates for the Chancery Courts for every county in the State. Hardin County would begin Chancery Court terms on the third Monday in March and September.
18. Public Acts of 1870-71, Chapter 10, rescheduled all the Chancery Court terms in the Ninth Chancery Division. Hardin County would begin Court on the second Monday in March and September at Savannah.
19. Public Acts of 1873, Chapter 5, changed the schedule for the opening of Chancery Court terms in the counties of the Ninth Chancery Division. Hardin County's Chancery Court would begin its terms on the second Monday in April and October.
20. Public Acts of 1879, Chapter 88, set forth the times for beginning terms for the Chancery Courts of several counties in the Ninth Chancery Division. Hardin County's terms of Court were fixed as the second Monday in April and October.
21. Public Acts of 1881, Chapter 162, fixed the schedule for the terms of the Chancery Courts in the Ninth Chancery Division, changing Hardin County Court terms to the third Monday in April and

October.

22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of the State into eleven Chancery Divisions. The Seventh Chancery Division consisted of the Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton. Chancery Court would start in Hardin County on the third Monday in April and October. This act was the basis of litigation in the case of Flynn v. State, 203 Tenn. 337, 313 S.W.2d 248 (1958).
23. Public Acts of 1887, Chapter 5, set terms for the Chancery Courts of the counties in the Seventh Chancery Division, scheduling the fourth Monday in May and November as the days for beginning the Chancery Court terms in Savannah.
24. Public Acts of 1899, Chapter 427, created ten Chancery Divisions for the State of Tennessee, allocating Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison, and Perry Counties to the Eighth Chancery Division. The Chancery Court would begin at the Savannah on the second Monday in January and July.
25. Acts of 1903, Chapter 36, rescheduled the Chancery Court terms in the Eighth Chancery Division. Hardin County would begin Chancery Court on the fourth Monday in April and October.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower judicial system of the State. The act created fourteen Chancery Divisions. The Eighth Division was made up of the Counties of Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Decatur, Benton, Chester, and Hardin County. Hardin County would begin Chancery Court on the fourth Monday in April and October.
27. Public Acts of 1939, Chapter 71, created the office of Stenographer in the Eighth Chancery Division. The salary was fixed at \$720 per year, payable from the treasury of the State. The stenographer was to be appointed by the Chancellor.
28. Public Acts of 1973, Chapter 356, transferred Hardin County from the Eighth Chancery Division to the Ninth Chancery Division.
29. Public Acts of 1974, Chapter 547, provided an additional Chancellor for the Ninth Chancery Division and separated the Division into Part I and Part II, designating the Chancellor of Part I as senior.
30. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, above, by specifying which counties in the Ninth Chancery Division would be placed in each Division Part. Hardin County was in Part I and the Court term would begin on the fourth Monday in April and October.

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

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

1. Private Acts of 1917, Chapter 313, stated that women over the age of twenty-one years who resided in Hardin County were eligible to serve as deputies in the office of the Clerk and Master of Hardin County, with all the privileges, powers, duties, and obligations of other deputy Clerks and Masters.
2. Private Acts of 1919, Chapter 349, fixed the salary of the Clerk and Master in Counties with a population of not less than 17,530 persons and not more than 17,530 persons in the census of 1910 or any subsequent census. The act was intended to apply to Hardin County, however, the County's population in 1910 was 17,521.
3. Private Acts of 1929, Chapter 588, stated that the Clerk and Master of Hardin County would receive a salary of \$1,200 a year, payable quarterly on the first day of January, April, July, and October. The salary would be in addition to all the fees collected in his office in the exercise of his duties.
4. Private Acts of 1939, Chapter 329, authorized the Clerk and Master in Hardin County to employ clerical assistance by and with the approval of the County Court at a salary not to exceed \$900 per year, which would be payable out of the regular funds of the County.

### **Circuit Court**

The following acts were once applicable to the circuit court of 24th County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Private Acts of 1819, Chapter 134, placed newly created Hardin County in the Fifth Judicial Circuit with the Counties of Montgomery, Dickson, Hickman, Humphreys, Robertson, Wayne, and Perry, and scheduled the terms of Circuit Court to begin on the second Monday in May and November in Hardin County.

2. Public Acts of 1821, Chapter 42, created the Eighth Judicial Circuit and assigned to it the Counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin, and Perry. The General Assembly would elect a qualified person to be the Judge and the Court would possess the same powers and jurisdiction as other circuit courts.
3. Public Acts of 1821, Chapter 52, ratified all the acts and decisions made by the Hon. Perry W. Humphreys, Judge, while holding the Circuit Court in Hardin County giving such decisions the same validity they had before the Eighth Judicial Circuit was created.
4. Public Acts of 1821, Chapter 65, directed that all appeals from the Courts of the newly created Eighth Judicial Circuit were to be made to the Supreme Court of Errors and Appeals for the Sixth Circuit at Columbia.
5. Public Acts of 1823, Chapter 41, fixed the schedule of Circuit Court terms in the Eighth Judicial Circuit, changing Hardin County to begin Court on the second Monday in May and November.
6. Private Acts of 1824, Chapter 102, changed court terms for some of the counties in the Eighth and Ninth Judicial Circuits, but Hardin County's schedule remained on the second Monday in May and November.
7. Public Acts of 1829, Chapter 52, created the Tenth Judicial Circuit composed of the Counties of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby. The Judge for the Circuit would be selected by a joint ballot of both Houses of the General Assembly.
8. Public Acts of 1829, Chapter 104, Section 8, declared it lawful for the appellant or appellants from any of the Courts of Wayne, Hardin, and Perry Counties to take an appeal to the Supreme Court at Huntingdon, Reynoldsburgh, or Nashville, as they might elect.
9. Public Acts of 1835-36, Chapter 5, organized the system of lower courts in Tennessee into eleven Judicial Circuits. The Eleventh Circuit was made up of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, and Wayne. The act was enacted immediately after the adoption of the new Constitution and provided for three terms of the Circuit Court in each year in each county. In Hardin County the term of court would begin on the fourth Monday of February, June, and October.
10. Acts of 1837-38, Chapter 3, Section 5, divided Tennessee into fourteen Judicial Circuits. The Fourteenth Circuit contained the Counties of Lawrence, Wayne, Hardin, Perry, Carroll, and Benton. The Circuit Court terms in Hardin County would begin on the fourth Monday in March, July, and November.
11. Acts of 1837-38, Chapter 116, fixed the dates for Circuit Court terms for several counties in the Fourteenth Judicial Circuit but did not change the Court terms in Hardin County.
12. Acts of 1839-40, Chapter 140, changed the opening dates of the terms of the Circuit Court in Carroll, Benton, Wayne, Perry, Lawrence, and Hardin Counties. Hardin would open its Circuit Courts on the fourth Monday of January, May, and September.
13. Acts of 1849-50, Chapter 70, scheduled the terms for the Circuit Courts in the Fourteenth Judicial Circuit which contained the Counties of Perry, Wayne, Lawrence, Decatur, McNairy, and Hardin. The third Monday in March, July, and November was set as the date for beginning Court in Hardin County.
14. Public Acts of 1857-58, Chapter 31, rescheduled the opening dates for the Circuit Courts of Hardin County to the fourth, instead of the third, Monday in March, July, and November.
15. Public Acts of 1857-58, Chapter 98, reorganized the system of lower courts in the State into sixteen Judicial Circuits. The twelfth Circuit contained the Counties of Wayne, Lawrence, Hickman, Perry, Decatur, McNairy, and Hardin. Court terms in Hardin County would start on the fourth Monday in March, July, and November.
16. Public Acts of 1865, Chapter 37, reorganized the Twelfth Judicial Circuit composed of Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin Counties. Terms of court would begin in Hardin County on the third Monday in March, June, and September at Savannah.
17. Public Acts of 1865-66, Chapter 14, changed the schedule of the Circuit Court terms in the Twelfth Judicial Circuit. Courts would commence in Savannah in Hardin County on the second Monday in March, July, and November.
18. Public Acts of 1866-67, Chapter 40, rescheduled the opening of the terms of the Circuit Courts in the Twelfth Judicial Circuit. In Hardin County the Court would open on the first Monday in March, July, and November.
19. Public Acts of 1867-68, Chapter 8, assigned dates for opening the terms of the Circuit Court in the

Twelfth Judicial Circuit but did not change the dates for Hardin County.

20. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized the lower courts in Tennessee into fifteen regular and one special judicial circuits. The Eleventh Judicial Circuit contained the Counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson, and McNairy.
21. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the opening dates for the terms of the Circuit Courts of every county in the State. The Hardin County Circuit Court would begin its terms on the first Monday in January, May and September.
22. Public Acts of 1871, Chapter 17, rescheduled the opening dates of the Circuit Courts in the Eleventh Judicial Circuit. Hardin County would begin the terms of its Circuit Court on the first Monday in March, July, and November.
23. Public Acts of 1871, Chapter 70, rearranged the starting dates for the terms of the Circuit Court in the Eleventh Judicial Circuit. In Savannah, Hardin County, the Court would begin on the second Monday in January, May, and September.
24. Public Acts of 1875, Chapter 18, changed the dates of the Circuit Court terms in all the counties of the 11th Judicial Circuit. Hardin County would start on the first Monday in January, May, and September.
25. Public Acts of 1881, Chapter 83, set court dates for the Circuit Courts in the Eleventh Judicial Circuit. Hardin County Circuit Court was scheduled to open its terms on the third Monday in January, May, and September.
26. Public Acts of 1881 (Ex. Sess.), Chapter 2, changed the opening dates of the terms of the Courts in the Eleventh Judicial Circuit. Hardin County's scheduled remained on the third Monday in January, May, and September.
27. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower court system in Tennessee. Fourteen regular and one special judicial circuits were created. Maury, Giles, Lawrence, Wayne, Hardin, Lewis, and Hickman Counties were assigned to the Ninth Circuit. Court terms would begin in Hardin County on the second Monday in February, June, and October.
28. Public Acts of 1887, Chapter 54, fixed the dates for the Circuit Court terms in the Ninth Judicial Circuit. Courts would commence at Savannah in Hardin County on the first Monday in March, July, and November.
29. Private Acts of 1897, Chapter 322, rescheduled the Circuit Court terms in the Ninth Judicial Circuit, containing the Counties of Wayne, Lawrence, Giles, Lewis, Maury, and Hardin. The court terms in Hardin County would begin on the second Monday in March and December and the first Monday in September.
30. Public Acts of 1899, Chapter 409, Section 12, set forth the dates for the Circuit Court terms in the Ninth Circuit to which Williamson County had been added. The terms in Hardin County started on the second Monday in February, June, and October.
31. Public Acts of 1899, Chapter 427, reorganized all of the lower courts in Tennessee into fourteen judicial circuits, and established Court terms for each county. The Twelfth Judicial Circuit consisted of the Counties of Hardeman, McNairy, Chester, Henderson, Decatur, Madison, and Hardin. The Court would open on the fourth Monday in January, May, and September in Hardin County.
32. Acts of 1901, Chapter 382, declared that the Ninth Judicial Circuit would contain the Counties of Lawrence, Giles, Lewis, Maury, Wayne, and Hardin Counties. Terms of court in Hardin County would begin on the third Monday in March, the first Monday in September, and the second Monday in December.
33. Acts of 1905, Chapter 192, scheduled the dates for terms of court in the counties in the Twelfth Judicial Circuit. Court in Hardin County would begin on the first Tuesday after the third Monday in March, July, and November.
34. Acts of 1907, Chapter 338, rescheduled the court terms for the Twelfth Judicial Circuit. Court would begin in Hardin County on the first Tuesday after the second Monday in April, the first Tuesday after the second Monday in July, and the first Tuesday after the third Monday in November.
35. Public Acts of 1915, Chapter 168, changed the time for holding the terms of the Circuit Court in Hardin County to the second Monday in April and July and the third Monday in November.
36. Private Acts of 1931, Chapter 388, changed the times for beginning terms of the Circuit Court in Hardin County to the second Monday in March and the third Monday in July and November. All

process would be made to conform to those changes in dates, and no civil or criminal suit would be abated, discontinued, released, or discharged because of the change in court terms.

37. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, formed twenty judicial circuits for the State of Tennessee, establishing court terms for every county in the State. The Twelfth Judicial Circuit was composed of the Counties of Madison (for criminal jurisdiction only), Chester, Henderson, Decatur, and Hardin. The Circuit Court term in Hardin County would begin on the second Monday in March, and the third Monday in July and November.
38. Private Acts of 1939, Chapter 326, amended Private Acts of 1931, Chapter 388, above, so that the March term of the Hardin County Circuit Court would begin on the third Monday instead of the second Monday.

### **Circuit Court Clerk**

The following acts have no current effect, but once applied to the Hardin County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, set the Hardin County Circuit Court Clerk's salary at \$750 a year. The Clerk was required to file a sworn, itemized statement in January of each year with the County Judge or Chairman, showing all the fees collected by his office. If the fees failed to equal the salary, the County would pay the difference, but if they exceeded the salary, the Clerk could retain the excess as his own.
2. Acts of 1907, Chapter 475, set the salary of the Circuit Court Clerk of Hardin County at \$1,000 per year. An itemized, sworn statement was to be filed in January of each year with the County Judge or Chairman, showing the total amount of fees collected by the office. If the fees were less than the salary, the County would make up the difference, but if they exceeded the salary, the Clerk could retain the excess.
3. Private Acts of 1919, Chapter 149, amended Private Acts of 1907, Chapter 475, above, by requiring that the sworn, itemized statement of the fees collected by the Clerk would be filed in January, April, July and October, instead of annually.
4. Private Acts of 1923, Chapter 258, amended Acts of 1907, Chapter 475, above, by increasing the salary of the Circuit Court Clerk from \$1,000 to \$1,200 annually. Acts of 1907, Chapter 475, and Private Acts of 1923, Chapter 258, were declared unconstitutional in Harbert v. Mabry, 166 Tenn. 290, 61 S.W.2d 652 (1933).
5. Private Acts of 1939, Chapter 308, set the salary of the Circuit Court Clerk of Hardin County at \$900 per year and payable at \$75 per month, provided the Clerk would first receive the fees of his office, and should they not equal the salary, the County will supply the difference.

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

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

1. Private Acts of 1819, Chapter 154, Section 4, created the Twelfth Solicitorial District of the State composed of the Counties of Hardin, Wayne, Hickman, and Perry. The Solicitor General for the new District would be selected by a joint ballot of both houses of the General Assembly.
2. Public Acts of 1967, Chapter 65, created the office of Assistant District Attorney General for the Twenty-second Judicial District. The District Attorney General would appoint the official who would be of the age of twenty-one years and admitted to practice in Tennessee. The duties of the office were to be determined by the District Attorney General.
3. Public Acts of 1976, Chapter 560, created an additional office of Assistant District Attorney General for the Twenty-second Judicial Circuit. The District Attorney General would appoint the official and determine the duties of the office.

### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, created the office of stenographer to the Chancellor of the Eighth Chancery Division. The Chancellor would appoint a competent person to fill the position whose duties would include stenographic work as required by the Chancellor.