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# Chapter V - Court System

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# Chapter V - Court System

## Court System - Historical Notes

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

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

1. Private Acts of 1917, Chapter 747, amended Chapter 645, Public Acts of 1915, so that general law of the State would be applicable to Sequatchie County by quoting the proper population figures from the Federal Census of 1910. This statewide public act regulated the activities and appointment of the members of the Board of Jury Commissioners. The Circuit Judge holding that court in Sequatchie County was authorized to appoint the Board of Jury Commissioners. This Act was repealed by Chapter 170, Private Acts of 1919.
2. Private Acts of 1933, Chapter 116, set up a three member Board of Jury Commissioners in Sequatchie County to be appointed by the Judge having criminal jurisdiction and who must be a discreet people, not attorneys or state officials, and who must not have a suit pending in the courts. The Commissioners would serve two year terms and vacancies were to be filled in the same manner as original appointments were made. The Commissioners must be sworn into office and select one of their number to serve as a chairman. The Circuit Court Clerk was directed to serve as the Clerk and he, too, must be sworn into office and to secrecy regarding the commission's actions. The Commission would select from the tax foils, or other public records, a list of names equal to 1/8 of the number of people voting in the last presidential election, but no less than 250, nor more than 1,000. The Clerk was to furnish a book into which all names chosen were to be entered alphabetically and confirmed by all three commissioners. These names would also be entered on cards or scrolls, and placed in a jury box which would then be locked and sealed, not to be opened at any time except on orders of the court or in the presence of the Board of Jury Commissioners. From ten to fifteen days before court opened, the jury box was to be unlocked by the Board and a child under ten years of age would draw out of the box the number of names specified by the court who would be the Grand and petit jurors for the ensuing term. The Board had the responsibility of purging those from the rolls who had died, or moved away. The cards selected by the child would be placed in a sealed envelope and delivered by the chairman to the judge in open court. The Clerk must keep a list of those serving, and provisions were made to replenish exhausted panels, or to summon special venires. The Sheriff would summon the jurors who could not be excused except by the judge. Commissioners would be paid \$2.00 for each day served as such.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Sequatchie 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 1857-58, Chapter 11, which created Sequatchie County, provided for the courts to meet at William Rankin's place on Coop Creek until a county seat could be selected and a courthouse built. The Quarterly Court could adjourn the meeting place to other and better places in the county if the court so desired.
2. Public Acts of 1869-70, Chapter 13, established a chancery court at Dunlap in Sequatchie County and the Judge holding the circuit court would also hold the chancery court of the county on the second Monday in April, August, and December. The Judge was authorized to order all the causes originating in Sequatchie County which might be pending in the chancery court at Pikeville or Jasper to be transferred to this Court.
3. Public Acts of 1870, Chapter 32, which was enacted pursuant to the new 1870 State Constitution, organized the Tennessee Courts of Equity into twelve Chancery Divisions across the State. The Third Chancery Division was made up of the counties of Polk, McMinn, Rhea, Meigs, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, and the Special Court at Chattanooga.
4. Public Acts of 1870, Chapter 47, fixed the opening dates for the terms of the chancery courts for every county in the State of Tennessee. In Sequatchie County the chancery court's regular terms would begin on the fourth Monday in March and September.
5. Public Acts of 1883, Chapter 34, changed the opening dates of the terms of the chancery courts in the Third Chancery Division which now included the counties of James, Meigs, Bradley, Polk,

Marion, Rhea, Bledsoe, Hamilton, McMinn, Monroe, and Sequatchie whose court would begin its regular terms on the Thursday after second Monday in April and October.

6. Acts of 1885 (Ex. Sess.), Chapter 20, organized the State into eleven Chancery Divisions in this major revision of the lower judicial system. The Third Chancery Division contained the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, and Coffee. The chancery court's regular terms would begin in Sequatchie County on the first Thursday after the second Monday in April and October. This Act, and several others, were reviewed by the Supreme Court in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
7. Public Acts of 1887, Chapter 13, provided that the two terms of the chancery court in Sequatchie County and Bledsoe County would be held at the same time as the circuit court by the Judge of the Fourth Judicial Circuit. The Chancery Court docket would be taken up immediately upon the completion of the circuit court docket. The chancery court terms would start on the same days as the circuit court terms in Sequatchie County.
8. Public Acts of 1889, Chapter 13, rearranged the opening dates of the chancery court terms in the Third Chancery Division. The Division was made up of the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Van Buren, Grundy, and Sequatchie where the chancery court would meet on the first Thursday after the second Monday in April and October presided over by the Chancellor of the Third Chancery Division.
9. Acts of 1891 (Ex. Sess.), Chapter 6, changed the terms of the chancery courts in Hamilton County, in Bledsoe County, and in Sequatchie County, all in the Third Chancery Division. Sequatchie County's Chancery Court would begin its terms on the first Thursday after the first Monday in March and September. All bonds and process would be made to conform. 10. Public Acts of 1895, Chapter 37, rescheduled the opening dates of all the chancery courts of the counties in the Third Chancery Division except in Sequatchie County where no change was made.
10. Public Acts of 1899, Chapter 427, was the next complete overhaul of the lower court structure in Tennessee. The State was divided into ten chancery divisions. The Third Chancery Division contained the counties of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Warren, Monroe, Polk, Meigs and Hamilton. Sequatchie County's chancery court would continue to meet on the first Thursday after the first Monday in March and September.
11. Acts of 1903, Chapter 110, detached the counties of Marion and Sequatchie from the Eastern Division of the State and placed them in the Middle Appellate Division. All appeals from the county, circuit, chancery, and criminal courts of these counties would here-after be directed to the appellate courts at Nashville instead of Knoxville.
12. Private Acts of 1911, Chapter 435, created the 12th Chancery Division from counties formerly in the Third Chancery Division. The counties would all go into the new Division except Hamilton County which alone would constitute the Third Chancery Division. The counties of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe would make up the 12th Chancery Division. Court terms would continue as ordained under the law and the Governor would appoint a new chancellor for the Division.
13. Private Acts of 1921, Chapter 491, amended Chapter 427, Acts of 1899, so as to change the times for holding the chancery court in Sequatchie County to the Friday after the first Monday in March and September.
14. Private Acts of 1923, Chapter 458, rearranged the terms of the chancery court in Sequatchie County to begin on the Thursday after the first Monday in March and September, all conflicts being repealed.
15. Public Acts of 1931 (Ex. Sess.), Chapter 38, reorganized the entire lower court system of the State. This Act was the last act of this nature to appear in the volumes of Private Acts. All the future changes would be in the form of Code amendments brought about by Public Acts. This Act created fourteen chancery divisions in the State. The Twelfth Chancery Division consisted of the counties of Rhea, McMinn, Warren, Bledsoe, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, Franklin, and Sequatchie whose chancery court terms would start on the Thursday following the first Monday in March and September.

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

The reference below contains an act which once applied to the clerk and master in Sequatchie County.

1. Private Acts of 1925, Chapter 629, stated that in Sequatchie County (identified by the use of the 1920 Federal Census figures) the Clerk and Master of the Chancery Court would be paid \$600 each year, payable monthly, on the warrant of the county Judge, or Chairman, drawn on the

general fund of the county. The Clerk and Master would surrender all fees to the County Trustee which were collected in the office except those received from his services as a receiver, or for making up the transcripts of those cases taken to an appellate court.

### **Circuit Court**

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

1. Public Acts of 1857-58, Chapter 11, which created Sequatchie County, also arranged for the circuit court to meet at the house of William Rankin on Coop's Creek on the fourth Monday in January, May, and September. Sequatchie County was assigned to the Third Judicial Circuit at that time.
2. Public Acts of 1857-58, Chapter 95, established the Sixteenth Judicial Circuit in Tennessee which was composed of the counties of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton. A Judge and an attorney General would be elected by the people residing in the new circuit. The Circuit Court of Sequatchie County would take up its docket on a regular basis at Dunlap on the second Monday in February, June, and October.
3. Public Acts of 1857-58, Chapter 98, divided Tennessee into 16 Judicial Circuits. The Fifth Judicial Circuit was made up of the counties of Cumberland, White, Marion, Bledsoe, Morgan, Scott, Fentress, Overton, and Sequatchie where the court would meet on the second Monday in April, August, and December.
4. Public Acts of 1870, Chapter 31, formed fifteen regular, and one special, judicial circuits in the state pursuant to the new State Constitution. The Fourth Judicial Circuit contained the counties of McMinn, Polk, Meigs, Bradley, Hamilton, Rhea, Marion, Sequatchie, Bledsoe, and the special court at Chattanooga.
5. Public Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the circuit courts for every county in the State. The Circuit Court of Sequatchie County would meet for its regular terms on the second Monday in February, June, and October.
6. Public Acts of 1870, Chapter 106, rescheduled the circuit court terms for the counties in the Fourth Judicial Circuit which included the counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Marion, Hamilton, McMinn, the Special Court at Chattanooga, and Sequatchie whose circuit court would come together regularly on the fourth Monday of February, June, and October.
7. Public Acts of 1883, Chapter 34, Section 2, reset the regular terms of the circuit courts in the Fourth Judicial to which were assigned the counties of James, Meigs, Bradley, Polk, Marion, Rhea, Bledsoe, Hamilton, McMinn, Monroe, and Sequatchie. The Circuit Court at Dunlap in Sequatchie County would meet hereunder on the third Monday in March, July, and November.
8. Acts of 1885 (Ex. Sess.), Chapter 20, was the next major revision of the lower court system of the State. Fourteen regular, and one special judicial circuits were devised in Tennessee. In the Fourth Judicial Circuit were the counties of Polk, Bradley, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn and James. Sequatchie County's Circuit Court would commence its regular terms on the Thursday after the second Monday in March, July and November.
9. Public Acts of 1887, Chapter 13, provided that the Circuit Court of Sequatchie County would hereafter have only two terms each year, one beginning on the third Monday in March and the other on the second Monday in November. The Chancery Court was to be held immediately after the Circuit Court by the Circuit Judge.
10. Public Acts of 1889, Chapter 13, Section 3, declared that the Fourth Judicial Circuit's terms of Court would begin as therein provided for the counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Marion, Hamilton, McMinn, James, and Sequatchie. The Court at Dunlap in Sequatchie County would begin on the fourth Monday in March, July, and November.
11. Public Acts of 1889, Chapter 167, also reset the terms of the circuit court in some of the counties of the Fourth Judicial Circuit. Although Sequatchie County was one of those mentioned the terms of court were not changed.
12. Acts of 1899, Chapter 427, in a wholesale revision of the entire lower court system formed fourteen judicial circuits in Tennessee. The Sixth Judicial Circuit consisted of the counties of Franklin, Sequatchie, Marion, and Hamilton. Sequatchie County's Circuit Court terms would begin on the fourth Monday in March, July, and November.
13. Acts of 1903, Chapter 361, established a criminal court circuit composed of the counties of Hamilton, Sequatchie, Marion, and Franklin which circuit would be known as the criminal court division of the Sixth Judicial Circuit in which all criminal cases would be tried. Criminal court terms

were slated to begin Sequatchie County on the fourth Monday in March, July, and November of each year. Circuit Court Clerks would serve as the Clerks for the new courts and the Attorney General of the Sixth Judicial Circuit was obligated to prosecute in them. The Governor was required to appoint a Judge who would be sworn and commissioned as other judges were and serve until his successor could be elected by popular vote. In Sequatchie County the same Judge would hear and decide civil suits at the same time.

14. Public Acts of 1915, Chapter 18, removed the counties of Sequatchie, Marion, and Franklin from the criminal division of the Sixth Judicial Circuit, leaving only Hamilton County in that Division.
15. Public Acts of 1915, Chapter 19, placed the counties of Sequatchie, Franklin, Marion, Grundy, Bledsoe, Rhea, Meigs, and James in the newly created Eighteen Judicial Circuit which did not have a separate criminal division.
16. Private Acts of 1927, Chapter 348, changed the days on which the regular terms of the circuit courts in Sequatchie County and Bledsoe County would start. Sequatchie County would begin its terms of circuit court on the third Monday in January, May, and September, and Bledsoe would commence on the fourth Monday in the same months.
17. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, in this last act to appear in the volumes of Private Acts a total realignment of the lower judicial system took place. In the future changes would take the form of Public Acts amending the State Code. This Act separated Tennessee into twenty judicial circuits. The 18th Judicial Circuit contained the counties of Franklin, Bledsoe, Marion, Grundy, Meigs, Rhea, and Sequatchie whose circuit court would begin its regular terms on the third Monday in January, May, and September.
18. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit. The act also divided the Circuit Court into two parts in which two judges would be elected at the August Election of 1964. The act further allowed the judges to appoint clerks and that each of the judges will be reimbursed out of the State Treasury for their respective expenses as provided by the Public Acts of 1945, Chapter 170. The said junior judge, whose office was created by this act was allowed to appoint a stenographer to assist him.

#### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, fixed the annual salary of the Clerks of the Circuit Courts according to the population class of the county in which they served. This Act applied only to circuit court clerks and seemed to be the first one of this sort to be enacted for clerks. They would file annually on the first day of January each year, a sworn, itemized statement with the county judge, or chairman, showing the amount of fees paid into their offices during the preceding year. If the fees failed to equal the salary, the county would pay the clerk's the difference, but, if the fees exceeded the salary, the clerks were allowed to retain the excess.
2. Acts of 1905, Chapter 119, amended Chapter 255, Acts of 1903, above, so as to remove the counties of Sequatchie and Van Buren from the terms and provisions of that act relating to the clerks of the Circuit Courts.
3. Private Acts of 1925, Chapter 630, declared that in Sequatchie County (identified by the use of the 1920 Federal Census figures) the Circuit Court Clerk would be paid \$600 a year as compensation for his services, payable on the first day of each calendar month in equal payments on the warrant of the county judge, or chairman, taken out of general county funds. It was made the duty of the clerk to pay over to the county trustee all the fees collected in his office.

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

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

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the Eighteenth Judicial Circuit.

#### **General Sessions Court**

The following act once affected the general sessions court of Sequatchie County, but is no longer in effect

and are included herein for reference purposes.

1. Private Acts of 1983, Chapter 79, added an expense allowance of \$400 per month for the General Sessions Judge of Sequatchie County, which was to be paid out of the ordinary funds of the county. This act was found unconstitutional in *Barker v. Harmon*, 882 S.W.2d 352 (Tenn. 1994).

### **Juvenile Court**

The following act once affecting juvenile courts in Sequatchie County is included herein for reference purposes.

1. Private Acts of 1982, Chapter 297, as amended by Private Acts of 1990, Chapter 133, created the juvenile court of Sequatchie County. The Private Acts of 1982, Chapter 297, was repealed by the Private Acts of 1997, Chapter 37.

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