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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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Board of Commissioners - Jurors

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

1. Private Acts of 1913, Chapter 48, created a Board of Jury Commissioners for Scott County, consisting of three discreet citizens who were not attorneys, or county officials, who had no suit pending in court, and no more than two of whom would come from the same political party, who would be appointed by all the Judges having criminal and circuit jurisdiction, plus the chancellors. They were selected for one year terms, must take an oath of secrecy, and vacancies in their number would be filled in the same manner as the original appointments were made. The members would select their chairman and the Circuit Court Clerk would serve as clerk. The Board would select from the public records of the county a list of names equal to one-fifth of the voters voting in the last Presidential election but no more than 4,000 names nor less than 250 names. The Clerk would keep the names in a book as the act specified and the list would be certified by the Board members. The names chosen would also be written on cards or scrolls and placed in a box which would be locked, sealed, and delivered to the Clerk. At some time between ten days and fifteen days before Court was to open a child under ten years of age would draw from this box the number of names specified by law or court order which cards or scrolls would be sealed and delivered to the Clerk. Five days before court was to open, the last list would be given to the Sheriff who would summon these people for jury duty. Only the Judge could excuse them and then only for the reasons expounded in the act. Provisions were made for summoning special panels of jurors. The Jurors would receive \$2 per day for each day served as a juror and fines were established for the violation of the provisions of this act.
2. Private Acts of 1915, Chapter 264, amended Private Acts of 1913, Chapter 48, by adding to Section 8 a provision that, if the regular venire is exhausted, and it is necessary to have more jurors whose names were never selected from the jury box, or to select a particular panel for a special case or cause, the presiding Judge may, in his discretion, select from the citizens of the county or direct the Sheriff to summon persons to make up the jury needed without drawing names from the jury box, but, in the manner prescribed by law.
3. Private Acts of 1917, Chapter 180, amended Private Acts of 1913, Chapter 48, by inserting population figures in the caption and the body of the Act which would make the same act apply to Claiborne County as well as Scott County.
4. Private Acts of 1919, Chapter 635, provides that the Board of Jury Commissioners for Scott County shall be appointed at the March term of 1920, and annually every year thereafter, but the term of the members of the present Board shall be extended to March, 1920.
5. Private Acts of 1947, Chapter 860, provided that in Scott County jurors would receive as compensation for their services as such the sum of \$4 per day for each days attendance as a juror and that the Sheriff shall be paid \$1.10 per day for feeding each prisoner.
6. Private Acts of 1961, Chapter 47, provided the per diem for jurors of \$7 per day.
7. Private Acts of 1972, Chapter 237, amended the above Act by increasing the pay of Jurors in Scott County to \$15 per day.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Scott 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 1849, Chapter 45, Section 6, provided that the citizens of newly created Scott County may file their Bills in chancery at either Jacksborough, or Knoxville, as they may desire.
2. Acts of 1857-58, Chapter 9, Section 1, established a Chancery Court at Huntsville in Scott county to be held by the Chancellor of the Fifth Chancery Division. The first term of the said court would begin on the first Thursday after the second Monday in April, 1858 and afterwards on the first Thursday after the second Monday in April and October.
3. Acts of 1857-58, Chapter 27, Section 4, provided that all causes pending in the Chancery Court at Jamestown, Montgomery, and Jacksborough, when the subject matter of the suit concerned real estate in Scott County, or when the defendants were residents of Scott County, or when both parties agreed thereto, the causes could be transferred to the Chancery Court recently established

at Huntsville.

4. Acts of 1857-58, Chapter 88, reorganized the State into Chancery Districts called the East, Middle, West, Fourth, Fifth, and Sixth Divisions, and these Divisions were sometimes further subdivided. Scott County was assigned to the Fifth Chancery Division in which were also seventeen other counties. Court would start in Huntsville on the Thursday after the second Monday in April and October.
5. Acts of 1865-66, Chapter 129, Section 4, declared that the Judge of the 17th Judicial Circuit shall hold the Chancery Courts for Morgan, Cumberland, Fentress, and Scott Counties. The Clerk and Master of each court would issue process accordingly.
6. Acts of 1870, Chapter 32, divided Tennessee into twelve Chancery Districts. Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Morgan, Fentress, Scott, and Christiana County, if established, were all in the Second Chancery Division.
7. Acts of 1870, Chapter 47, scheduled the court dates for all the counties and their chancery courts. Scott County would commence the Chancery Court terms on the fourth Monday in June and December at Huntsville.
8. Acts of 1872 (Ex. Sess.), Chapter 15, Section 4, changed the Chancery Court terms for some of the counties in the Second Chancery Division. Scott was to begin the terms in Huntsville on the first Monday after the fourth Monday of April and October. This act would take effect on June 1, 1872.
9. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into eleven Chancery Divisions of which the Second was made up of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, and Scott County in which the Court terms were set to start on the first Monday in March and September. This act was the basis of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958), but involved only the Criminal Court in Shelby County, Tennessee.
10. Acts of 1887, Chapter 92, changed the schedule of Court terms for all the Chancery Courts of the counties in the Second Chancery Division, but Scott County would remain on the first Monday in March and September.
11. Acts of 1891, Chapter 240, changed Chancery Court terms in Scott and Morgan Counties. Scott was assigned to the Monday next preceding the first Monday in March and September.
12. Acts of 1899, Chapter 212, abolished the Second Chancery Division as it then existed in the State, Scott County being among those involved.
13. Acts of 1899, Chapter 214, assigned some counties formerly in the Second Chancery Division to the First Chancery Division but Union, Campbell, Roane, Anderson, Knox, Morgan, and Scott counties were added to the 12th Chancery Division. Court terms for all the counties were juggled around with Scott being scheduled on the third Monday in January and July.
14. Acts of 1899, Chapter 427, reorganized the entire lower structure of the judicial system. The State was delineated into ten Chancery Divisions. The Second was composed of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Union, Fentress, Jefferson, and Scott county whose court terms would begin on the second Monday in March and September.
15. Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by reorganizing the First and Second Chancery Divisions. The counties allocated to the Second Division were Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon, and Scott counties. It appears that all court terms were also rescheduled with Scott County returning to the third Monday in January and July.
16. Acts of 1903, Chapter 165, changed the court dates in Scott County to the second Monday in February and August instead of the third Monday in January and July.
17. Acts of 1905, Chapter 4, amended Acts of 1901, Chapter 438, so that the court terms for the Chancery Court of Scott County would begin on the second Monday in February and August instead of the third Monday in January and July, the exact thing accomplished by Acts of 1903, Chapter 165, above.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Scott County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 4, provided that women over 21 years of age and residents of the county where they may be appointed, are eligible in Scott County to be named as Deputies in the office of the Clerk and Master and to serve as such with all the rights, powers, duties, and

obligations as other Deputy Clerks and Masters.

2. Private Acts of 1945, Chapter 193, stated that in Scott County, quoting the 1940 Federal Census figures, the Clerk and Master of the Chancery Court, in addition to all the fees now allowed him by law, shall also be paid \$900 per annum, on a monthly basis out of the regular county funds.
3. Private Acts of 1951, Chapter 594, amended Private Acts of 1945, Chapter 193, above, by increasing the amount to be paid to the Clerk and Master over and above the fees of the office from \$900 to \$1,500. This act was repealed by the one following.
4. Private Acts of 1981, Chapter 177, approved by the Scott County Legislative Body on August 4, 1981, expressly repealed Private Acts of 1951, Chapter 594, above.

Circuit Court

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

1. Acts of 1849, Chapter 45, Section 6, attached newly formed Scott County to the Second Judicial Circuit whose court would be held by the Judge of that Circuit on the fourth Monday in March, July, and November, at the house of George McDaniel until the seat of Justice for the County was established.
2. Acts of 1857-58, Chapter 95, created a new 16th Judicial Circuit with White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton counties in it. A Judge would be elected for the new circuit at the next general election. Court for Scott County would begin on the third Monday in March, July, and November.
3. Acts of 1857-58, Chapter 98, divided the State into 16 Judicial Circuits. The 5th Circuit contained the same counties mentioned in Chapter 95, above, as being in the 16th Judicial Circuit but changed the order of court terms. Scott County would start the terms of the Circuit Court on the second Monday in February, June, and October.
4. Acts of 1859-60, Chapter 59, Section 3, changed court terms for some of the counties in the 5th Judicial Circuit. Scott County's Circuit Court would begin on the third Monday in February, and the second Monday in June and October.
5. Acts of 1865-66, Chapter 8, created a new 17th Judicial Circuit which was composed of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland Counties. Court would begin in Huntsville on the second Monday in April, August, and December.
6. Acts of 1869-70, Chapter 60, Section 2, detached Scott County from the Fifth Judicial Circuit and attached it to the Second Judicial Circuit.
7. Acts of 1870, Chapter 31, divided Tennessee into 15 Judicial Circuits of which the Second Circuit was made up of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne, and Hamblen, if established.
8. Acts of 1870, Chapter 46, scheduled terms for all the Circuit Courts in the State. Scott County would start the terms of Circuit Court at Huntsville on the fourth Monday in January, May, and September.
9. Acts of 1873, Chapter 22, created a new 16th Judicial Circuit composed of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland Counties. A new Judge and Attorney-General would be elected by the people. The new Judge would also be responsible for holding the Chancery Courts of Scott, Morgan, Fentress, and Cumberland Counties. Court terms would commence at Huntsville in Scott County on the fourth Monday of March, July, and November.
10. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system of the entire state into fourteen regular and one special Judicial Circuits. The Third Circuit consisted of the counties of Blount, Monroe, Loudon, Roane, Morgan, and Scott in which the terms of the court would begin on the first Monday in April, August, and December.
11. Acts of 1889, Chapter 160, amended Acts of 1885 (Ex. Sess.), Chapter 20, as to the scheduling of Circuit Court terms in Scott and Fentress counties. Scott's Court would begin on the second Monday in March, July, and November.
12. Acts of 1899, Chapter 168, abolished the Third Judicial Circuit composed of Blount, Loudon, Roane, Morgan, Fentress, and Scott counties.
13. Acts of 1899, Chapter 409, attached Scott, Morgan, and Fentress counties to the Second Judicial Circuit. Court would begin in Scott County on the second Monday in March, July, and November.
14. Acts of 1899, Chapter 427, restructured the entire lower court system of the State. There were

- fourteen Judicial Circuits of which Jefferson, Grainger, Sevier, Hamblen, Morgan, Scott, Campbell, Anderson, Union, and Fentress counties constituted the Second. Court terms in Scott were scheduled to commence on the first Monday in March, July, and November.
15. Acts of 1903, Chapter 227, changed the terms of the circuit courts for some of the counties in the Second Judicial Circuit. Scott would start the terms of the Circuit Court on the fourth Monday in March, July, and November.
 16. Acts of 1905, Chapter 477, again changed the schedule of circuit court terms for some counties in the Second Judicial Circuit. The Circuit Courts for Scott County would begin on the fourth Monday in January, May, and September.
 17. Acts of 1907, Chapter 205, altered the Circuit Court terms for the counties in the Second Judicial Circuit. Scott County would begin its Circuit Courts on the third Monday in February, June, and October.
 18. Private Acts of 1919, Chapter 330, the Circuit courts of Morgan and Scott Counties were placed in the 19th Judicial Circuit. Court terms in Scott County would begin on the first Monday in March, July, and November. All process issued and all court bonds would be made to conform to those dates.
 19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, corrected an error in Article 2, Chapter 159, Code of 1932, wherein Anderson, Scott, Morgan, and Campbell counties are included in the Second Judicial Circuit when they should be in the 19th Judicial Circuit and further, by moving Hancock County from the 19th to the 2nd Judicial Circuit.
 20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided Tennessee, into 20 Judicial Circuits. Anderson, Campbell, Morgan, Claiborne, Fentress, and Scott counties were in the 19th Circuit. Scott County would start the terms of its Circuit Court on the first Monday in March, August, and November, and the Criminal Court would begin on the second Monday in the same months.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Scott 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. Acts of 1903, Chapter 255, set the salaries for Circuit Court Clerks only but did it according to the population of the particular county. These statutes were later merged into the current salary statutes alluded to in the opening statements. According to our calculations the Circuit Court Clerk in Scott County would have drawn a salary of \$500 per year. They were required to file a sworn itemized statement with the County Judge, or Chairman. The county would pay the difference between the fees collected, as reported in the statement, and the salary specified above.
2. Private Acts of 1913, Chapter 168, amended Acts of 1903, Chapter 255, Section 1, above, by setting the salary of the Circuit Court Clerk in Scott County at \$1,000 per year. The Clerk must file the required itemized, sworn statement of the fees collected in his office. If the fees were less than the salary, the county would supply the difference, but, if they exceeded the salary, the Clerk must pay them into the county. All conflicting laws were repealed.
3. Private Acts of 1919, Chapter 608, established the annual salary of the Circuit Court Clerk in Scott County at \$1,200, to be paid monthly out of the county treasury upon the warrant of the County Judge, or Chairman, as other salaries are paid. The Clerk must account to and pay over to the county all the fees collected in the office.
4. Private Acts of 1925, Chapter 95, set the compensation of the Circuit Court Clerk at \$1,500 per year, to be paid monthly out of the regular funds of the county on the warrant of the county Judge, or the Chairman. The Clerk shall account for and pay all fees over to the Trustee for the use and benefit of the county except the fees incident to making a transcript for an appeal to the appellate courts which fees shall be retained by the Clerk.
5. Private Acts of 1925, Chapter 242, amended Private Acts of 1919, Chapter 608, Section 1, Item 3, above by increasing the salary of the Circuit Court Clerk in Scott County, quoting the 1920 Federal Census figures, to \$1,500 per year plus all the fees incidental to the records for an appeal to the higher courts. All other terms in that act to remain as they were.
6. Private Acts of 1929, Chapter 370, amended Private Acts of 1925, Chapter 95, Item 4, above, by increasing the annual salary of the Circuit Court Clerk from \$1,500 to \$1,800 annually, all other terms and conditions of the amended act to stay in force.
7. Private Acts of 1933, Chapter 429, provided that the salary of the Circuit Court Clerk in Scott County would be at the rate of \$1,800 per year, payable monthly, as now provided by law until

September 1, 1934 after which time the annual salary shall be \$1,200 per year, payable monthly. This act was repealed by the one below.

8. Private Acts of 1937, Chapter 124, expressly and entirely repealed Private Acts of 1933, Chapter 429, above, which action would restore the compensation of the Circuit Court Clerk to its former status.
9. Private Acts of 1945, Chapter 192, amended Private Acts of 1929, Chapter 370, by increasing the annual salary of the Circuit Court Clerk as set out in Section 1 from \$1,800 to \$2,400.

Criminal Court

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

1. Private Acts of 1905, Chapter 359, created a criminal court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union counties to be known as the Criminal Court for the Second Judicial Circuit. The Court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a Judge, Clerk, and Attorney General. This Court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the Circuit Court wherein it was exercised before the passage of this Act.
2. Public Acts of 1913, Chapter 13, created a Criminal and Law Court for Hancock, Claiborne, Campbell, Morgan, Scott, and Anderson counties, and fixed the time for holding the said Court in each county. The Act stated a Judge would be appointed to hold until September 1, 1914, when a popularly elected Judge would take over. Hancock and Claiborne were taken from the First Judicial Circuit, and Campbell, Scott, Morgan and Anderson were taken from the Second Judicial Circuit. This Act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87.
3. Private Acts of 1917, Chapter 768, amended Public Acts of 1913, Chapter 13, above, as it was previously amended, by making those counties named therein the 19th Judicial Circuit, Criminal Division.
4. Public Acts of 1929, Chapter 89, regarded the above and Private Acts of 1905, Chapter 359, as the 19th Judicial Circuit, Criminal Division.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 55, amended the times of holding Criminal Court in the counties and Chapter 38, same year, set the same terms for the Criminal Court of the 19th Judicial Circuit. These terms would start in Scott County on the second Monday in March, July, and November instead of the third Monday in the same months.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Scott 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. Private Acts of 1911, Chapter 672, created the office of Assistant Attorney General in all judicial and criminal circuits composed of ten counties or more and containing a county of not more than 12,950, and not less than 12,925, in population, according to the twelfth Federal Census. Scott County meets these qualifications. He must be 25 years of age, or older, learned in the law, and of good moral character. He would serve at the direction and pleasure of the Attorney General of the Circuit and draw an annual salary of \$1,800. This Act was repealed by the one below.
2. Private Acts of 1919, Chapter 168, expressly repealed Chapter 672, Private Acts of 1911, above, in its entirety.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1951, Chapter 86, created the office of secretary to the chancellor of the Second Chancery Division, who was to be paid \$3,000 per annum.
2. Public Acts of 1963, Chapter 340, authorized the circuit and criminal judge of the Nineteenth Judicial Circuit to each hire a secretary at a salary of \$3,000 per year.

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