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

1. Acts of 1803, Chapter 73, listed the number of jurors each County in the Mero Judicial District must furnish to the Superior Courts thereof. The counties were Jackson County which would provide two jurors; Smith, four jurors; Sumner, six jurors; Wilson, three jurors; Rutherford, two jurors; Williamson, four jurors; Davidson, seven jurors; Robertson, four jurors; Montgomery, four jurors; Dickson, two jurors; and Stewart, two jurors.
2. Acts of 1806, Chapter 24, apportioned the number of jurors each County in the Mero District must furnish to the Superior Court. Davidson County must send twelve jurors; Sumner County, eight; Wilson County, six; Williamson County, eight; and Rutherford County, five.
3. Acts of 1812, Chapter 38, authorized Theophilus A. Cannon, James L. Armstrong, William W. Searcy, John Hoover, and Noble Warnick, or any three of them, to appoint a jury, or juries, for the next term of the County and Circuit Courts of Rutherford County, and to direct the Clerks of the Courts to record the names of those selected.
4. Acts of 1817, Chapter 128, authorized the Justices of Rutherford County to levy a tax for the purpose of providing additional compensation to the jurors attending the County and Circuit Courts. The additional compensation could not exceed fifty cents per day.
5. Acts of 1819, Chapter 67, declared it to be lawful after January 1, next, for the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint 37 jurors for each of the Counties named who would serve in the County and Circuit Courts. Jurors were bound to attend court under penalty and would be paid as other jurors were paid.
6. Acts of 1819, Chapter 134, permitted the County Courts of the County of Davidson, Williamson, Giles, Rutherford, and Maury to select 37 jurors for the County Court and the Circuit Court combined, making their compensation the same as other jurors.
7. Acts of 1833, Chapter 244, made it the duty and responsibility of the Rutherford County Court at their first session in each and every year to levy a tax sufficient to pay talisman jurors who might be compelled to serve according to recent acts passed by the General Assembly.
8. Private Acts of 1909, Chapter 334, created a Board of Jury Commissioners in Wilson and Rutherford County composed of three discreet people to be appointed by the Judges having criminal jurisdiction, who were not practicing attorneys, had no suit pending, and were residents of the County. No more than two could come from the same political party. The Commissioners must be sworn according to the oath in the Act, must select one of their number as Chairman, and would serve a one year term. The Circuit Court Clerk, after also being sworn, would serve as a Clerk to the Board. The Board would select from the tax rolls a number of names equal to 1/5 of the votes cast in the last Presidential election but in no case less than 250 nor more than 1,000, which names would constitute the Jury List for the next two years. The names must be listed alphabetically in a book provided by the County and the list certified by all three members of the Board and reported to the Circuit Court. The names must also be placed on cards, or scrolls, put into a box, locked and sealed. From 10 to 15 days before the term of Court opens, the box would be unlocked and a child under ten years of age would draw the number of names from the Box as was ordered by the Judge, or which would be sufficient to provide jurors. These names were to be kept, recorded, and reported to the Court. At least five days before Court opened the list was sent to the Sheriff who would summon them as jurors. The Grand and petit jurors would be selected from this number, none being excused except by the Judge. Provisions were included for special panels and to replenish an exhausted panel. The Commissioners would be paid \$2.00 per day for each day spent in discharge of this duty. This Act was repealed by Private Acts of 1951, Chapter 212. See *Wade v. State*, 191 Tenn. 573, 235 S.W.2d 583, (1951).
9. Private Acts of 1945, Chapter 339, fixed the compensation of every regular juror serving a Rutherford County at \$3 per day for each day's attendance as a juror.
10. Private Acts of 1951, Chapter 212, amended Private Acts of 1909, Chapter 334, by striking out the population figures referring to Rutherford County which would remove the County from the provisions of the Act establishing a Board of Jury Commissioners.
11. Private Acts of 1951, Chapter 213, created a three member Board of Jury Commissioners for

Rutherford County, writing in the same qualifications as the 1909 Act except that a School Board Member or a Justice of the Peace could not serve on the Board. Terms and conditions expressed follow those of the 1909 Act except the limitations placed on the number of names to be drawn were no more than 1,500 nor less than 1,000. Procedures to be followed in this Act in the selection of names were substantially the same as those described in the 1909 Act except that more records and reports were required to be kept. Some additional methods to replenish panels and to summon special jurors were incorporated. The Jury Commissioners would be paid \$4 for each day's service in that regard.

12. Private Acts of 1953, Chapter 236, amended Private Acts of 1951, Chapter 213, Section 4, by directing that jurors be selected from the civil districts in proportion to district population. Any source of information could be used in drawing up the jury list. Section 5 was amended to give the Judge more discretion in impaneling the juries by giving him the power to direct the Sheriff to go out into the County and summon a sufficient number to discharge the need, or the Judge may cause the Jury Box to be brought in and additional names withdrawn. Section 15 was amended to give the Commissioners \$10 per day up to two days and seven cents per mile for traveling, when sworn statements were filed to verify the same, as compensation for their services.
13. Private Acts of 1957, Chapter 206, stated that any person serving as a juror in Rutherford County would be paid \$6 per day for each day spent in service as such, except the Foreman of the Grand Jury, who would be paid \$10 for each day. This Act would apply to any and all jurors in the County, including the Juries of View, and Juries of Inquisition. This Act was properly ratified by the Quarterly Court.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Rutherford 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1822, Chapter 13, provided that a Chancery Court would be held at least once each year by the Justices of the Supreme Court at the same places at which the Supreme Court met. The Chancery courts would meet 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 Dockets of the Courts were cleared up earlier, except at Nashville where the term would last six weeks.
2. Acts of 1824, Chapter 14, directed the Justices of the Supreme Court to arrange among themselves to hold the Chancery Courts at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court at Franklin would hear and dispose of cases arising in the counties of Williamson, Davidson, and Rutherford on the first Monday in May and November of each year. Clerks would make appropriate transfer of documents to accomplish the above.
3. Acts of 1826, Chapter 77, was the legislative authority for John Haywood to hold the Chancery Court for the Counties of Williamson, Davidson, and Rutherford. The Court would open in Franklin on the first Monday in December, 1826, and continue in session until the business of the Court was finished.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The Eastern Division was composed of the Courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville, while the Western had in it the Courts meeting in Franklin, Columbia, Charlotte, Jackson and Paris. Two Chancellors were to be appointed and Justices of the Supreme Court were divested of original chancery jurisdiction.
5. Acts of 1835-36, Chapter 4, enacted subsequent to the adoption of the 1835 Constitution, provided for three Chancery Divisions in Tennessee. Each Division would have a Chancellor appointed by the Governor for an 8 year term, being paid in the same manner as other Judges. Court would convene twice each year, each Division being further broken down into Districts. Rutherford County constituted the 5th District of the Middle Division whose Court would meet at Murfreesboro on the first Monday in February and August.
6. Acts of 1839-40, Chapter 21, fixed the terms for the Chancery Courts at Livingston, Carthage, Lebanon, Shelbyville, Winchester, McMinnville, Pikeville, and Murfreesborough where the Court would convene on the first Monday in January and July. Rutherford County would be part of the 4th Division of the Chancery Court.

7. Acts of 1839-40, Chapter 33, added a new Fourth Division to the Chancery Court system in Tennessee which was composed of the Courts meeting at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville. This Act amended Acts of 1835-36, Chapter 4.
8. Acts of 1847-48, Chapter 171, stated that the Chancery Court at Murfreesboro in Rutherford County would hereafter meet on the fourth Monday in April and the third Monday in October.
9. Acts of 1857-58, Chapter 88, organized the Chancery Courts in Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. The Fourth Chancery Division was made up of the Counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford whose Chancery Court would begin its terms on the fourth Monday in April and October at Murfreesboro.
10. Acts of 1870, Chapter 32, reorganized the equity courts of Tennessee into twelve Chancery Districts assigning the counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy to the Fourth Chancery District.
11. Acts of 1870, Chapter 47, fixed the schedule of Court terms for every Chancery Court in the State. Rutherford County's Chancery Court would meet on the first Monday in January and June. This Act was repealed by Acts of 1875, Chapter 28.
12. Acts of 1870-71, Chapter 22, reset the schedule of Chancery Court terms to start in Rutherford County at Murfreesboro on the fourth Monday in April and October.
13. Acts of 1875, Chapter 28, Section 3, changed the opening dates for the Chancery Court terms in Rutherford County to the third Monday in April and October, requiring that all outstanding process be made to conform to those dates.
14. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revision of the lower Court system of Tennessee which formed eleven Chancery Divisions. The Fourth Chancery Division contained the Counties of Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall. Rutherford County's Chancery court was slated to begin its terms on the third Monday in April and October each year, as it had been doing. This statute was considered along with many others by the State Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958).
15. Acts of 1895, Chapter 108, rescheduled the Chancery Court of Rutherford County to convene at Murfreesboro on the third Monday in January and July.
16. Acts of 1899, Chapter 427, reorganized the entire lower Judicial system of the State. Chancery Courts were combined into ten Chancery Divisions. The Fifth Chancery Division was composed of the Counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, and Wayne. The Chancery Court in Rutherford would take up its docket on the third Monday in January and July.
17. Acts of 1901, Chapter 319, created the Common Law, Chancery and County Court of the county of Rutherford. This Court would have chancery jurisdiction, criminal jurisdiction, civil jurisdiction, and jurisdiction over the County Court. The chancery division of this court would hold four terms, commencing on the second Monday of January, April, July and October. This Act repealed all laws attaching Rutherford County to the Fourth Chancery Division.
18. Acts of 1901, Chapter 427, changed the starting date of the Chancery Court terms in Rutherford County to the second Monday in April and October.
19. Private Acts of 1972, Chapter 383, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. This Act failed to receive local approval and never became operative.
20. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was superseded by the general law codified in 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 Rutherford County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 274, provided that females, married or single, over the age of 21 and a resident of the County appointing them, would be eligible to serve as a Deputy in the office of the Clerk and Master of Rutherford County with all the rights and obligations of other Deputies.

The acceptance of employment was a waiver of any defense of coverture and would work as an estoppel to deny any legal liability. This Act applied to Weakley, Rutherford, Montgomery, Greene, Giles, and Fayette Counties. This Act was repealed by Private Acts of 1979, Chapter 138.

2. Private Acts of 1933, Chapter 876, fixed the salaries of several county officials in Rutherford County. The salary of the Clerk and Master of the Chancery Court was set at \$2,500 annually but that amount would be paid only when the fees collected in the office equalled that sum. All fees collected over that amount would be paid into Treasury of the county for which the Clerk and Master would be accountable. All expenses of the office would continue to be paid as the law provided.
3. Private Acts of 1939, Chapter 529, was the authority for the Clerk and Master of Rutherford County to appoint a Deputy for a period of one year at a time who, when sworn and bonded, would be empowered to perform any act in the same manner as the Clerk and Master. The salary of the Deputy Clerk and Master was set at \$900 a year.
4. Private Acts of 1943, Chapter 413, was the legislative authority for the Quarterly Court of Rutherford County to appropriate an annual sum, not to exceed \$1,200, with which to pay for the services of an Assistant, or Deputy, Clerk and Master, in the office of the Clerk and Master.

### **Circuit Court**

The following acts were once applicable to the circuit court of Rutherford 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. Acts of 1803, Chapter 70, which created Rutherford County, further provided that the courts would meet at the house of Thomas Rucker until the Quarterly Court adjourned them to another location more suitable and convenient pending the completion of the court house.
2. Acts of 1806, Chapter 19, divided the Mero District into three separate Districts which were the Robertson District including the counties of Robertson, Dickson, Montgomery, and Stewart; the Winchester District which contained the counties of Jackson, Smith, and Wilson; and the remaining counties of Davidson, Sumner, Williamson, and Rutherford constituted the Mero District.
3. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. The Fourth Judicial Circuit comprised the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. The Circuit court terms would commence in Rutherford County on the second Monday in April and October.
4. Acts of 1812, Chapter 68, reset the Circuit Court terms in the counties of Wilson, Bedford, Lincoln, Giles, Maury, Williamson, Davidson, and Rutherford whose court would meet on the second Monday in March and September.
5. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Circuits. In Rutherford County the Circuit Court terms would begin on the third Monday in February and August.
6. Acts of 1821, Chapter 52, stated that Joshua Haskell, the Judge elect for the 8th Judicial Circuit could take and subscribe the oath of office prescribed for the Circuit Judges of the State before any Justice of the Peace in Rutherford County.
7. Acts of 1825, Chapter 333, provided among other things that the Circuit Court for the County of Rutherford would be held at the Court House in Murfreesboro on the fourth Monday in February and August and would continue in session until the second Monday in March and September, if necessary to do so.
8. Acts of 1826, Chapter 197, stated that the Circuit Court in Rutherford County would begin its sessions on the third Monday in February and the fourth Monday in August next and could continue in session until the business of the Court has been completed. All outstanding process would be made to conform to the terms of this Act.
9. Acts of 1827, Chapter 89, declared that from and after April 1, next, the Circuit Court of Rutherford County would be held on the first Monday in April and October in each year and would continue in session for three weeks unless the business of the Court was finished before that time.
10. Acts of 1829, Chapter 52, formed a new Eleventh Judicial Circuit composed of the Counties of Warren, Franklin, Bedford, Rutherford, and Wilson.
11. Acts of 1835-36, Chapter 5, enacted subsequent to the adoption of the 1835 State Constitution, fashioned the Circuit Courts of the State into eleven new Judicial Circuits whose terms of Court in

the future would be three each year instead of two. The Fifth Judicial Circuit contained the Counties of Wilson, Rutherford, Bedford, Coffee, and Franklin. The Circuit Court in Rutherford County would start its terms on the second Monday of April, next, and afterwards on the third Monday in February, June, and October.

12. Acts of 1837-38, Chapter 116, reset the terms of the Circuit courts in the Fifth Judicial Circuit which listed the counties of Cannon, Wilson, and Rutherford where the Court would start on the first Monday in March, July, and November.
13. Acts of 1839-40, Chapter 21, scheduled new terms of the Circuit Courts in the Fifth Judicial Circuit, which mentioned the Counties of Bedford, Wilson, Cannon, and Rutherford where the Circuit Court would commence its terms on the second Monday in March, July, and November.
14. Acts of 1847-48, Chapter 171, established a Criminal Court in the cities of Clarksville, Murfreesboro, and Lebanon for the Counties of Montgomery, Rutherford, and Wilson, which courts would be held by the Judge of the Criminal Court for Davidson County. All criminal causes then pending in the Circuit Courts of these counties would be transferred by the Clerk of the Criminal Court. Court terms would be fixed by order of the Judge.
15. Acts of 1857-58, Chapter 98, created sixteen Judicial Circuits in a complete revision of the lower court system in the State. The counties of Wilson, Cannon, Bedford, and Rutherford constituted the Seventh Judicial Circuit. Court terms in Rutherford County would begin on the second Monday in March, July, and November. The Criminal Districts of Davidson, Rutherford, and Montgomery would hold three terms each year as fixed by the Judge.
16. Acts of 1870, Chapter 31, divided Tennessee into fifteen Judicial Circuits, enacted after the 1870 Constitution and the 1870 Census. The Counties of Rutherford, Cannon, Wilson, and Bedford, and the Criminal Court of Wilson County were all assigned to the Seventh Judicial Circuit. The Special Criminal Court for Davidson and Rutherford Counties would remain as established.
17. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Courts in every county of the State. Rutherford County would convene its Circuit Court on the third Monday in March, July, and November. The Criminal Court for Rutherford would be held on the first Mondays of March, August and November.
18. Acts of 1870-71, Chapter 22, rescheduled the terms of the Rutherford County Circuit Court to start on the second Monday in March, July, and November of each year at Murfreesboro. This Act repealed the conflicting portions of Acts of 1870, Chapter 46.
19. Acts of 1870-71, Chapter 109, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County and authorized the Circuit Court to empanel Grand Juries at its regular terms to find bills of indictment and presentment and then transfer them to the Criminal Court.
20. Acts of 1885 (Ex. Sess.), Chapter 20, divided the State into fourteen regular, and three special, Judicial Circuits. The Counties of Wilson, Rutherford, Cannon, Bedford, and Marshall were designated as the Eighth Judicial Circuit. The Circuit Court would convene in Rutherford County on the fourth Monday in February, June, and October. A Special Criminal Circuit was formed to comprise Davidson and Rutherford Counties.
21. Acts of 1887, Chapter 213, reset the terms of the Circuit Court in Rutherford County to begin on the Tuesday after the fourth Monday in February, June, and October.
22. Acts of 1891, Chapter 155, amended that portion of the Acts of 1885 (Ex. Sess.), Chapter 20, referring to the special criminal court circuit for Davidson County and Rutherford County by removing Rutherford County from the Circuit and returning criminal jurisdiction to the Circuit Court of Rutherford County.
23. Acts of 1895, Chapter 108, changed the opening dates for the terms of the Circuit Courts in Cannon and Rutherford Counties. The terms of the Rutherford County Circuit Court would begin on the third Monday in February, June, and October.
24. Acts of 1899, Chapter 427, reorganized the Circuit Courts of the State into fourteen Judicial Circuits. The 8th Judicial Circuit included the Counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Circuit Court terms in Rutherford County would commence on the third Monday in February, June, and October.
25. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was

superseded by the general law codified in T.C.A. 16-2-506.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Rutherford 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, was a salary Act, which involved Circuit Court Clerks only, setting the annual salary of the Clerks in Counties according to the population of the County in which they served. The Circuit Court Clerk of Rutherford County would have been paid \$1,000 annually under the terms of this law. The Clerk was required to file a sworn, itemized statement with the County Judge, or Chairman, each year showing the amount of fees collected in the office. If the fees were less than the salary, the County must pay the difference but the Clerk could retain any excess.
2. Private Acts of 1919, Chapter 274, permitted females, married or single, over the age of 21 and a resident of the counties appointing them, to serve as a Deputy in the office of the Circuit Court Clerk with all the rights and obligations as other Deputy Clerks. Acceptance of employment hereunder would be a waiver of any defense of coverture and work as an estoppel to deny and legal liability. This Act was repealed by Private Acts of 1979, Chapter 138.
3. Private Acts of 1933, Chapter 876, established the annual salaries of most of the officials of Rutherford County, fixing that of the Circuit Court Clerk at \$2,000. This salary, however, would only be paid when the fees collected in the office reached that amount. All fees over and above would be paid into the County treasury for which the Circuit Court Clerk was accountable. The expenses of the office would continue to be cared for as provided under existing law.
4. Private Acts of 1943, Chapter 412, was the enabling law which allowed the Quarterly Court of Rutherford County to appropriate a sum not to exceed \$1,200 annually which would be used as compensation for an assistant, or Deputy, Circuit Court Clerk.

### **Court Officers**

The following list is a description of the original act granting a per diem pay to court officers and the subsequent amendments to the act.

1. Acts of 1867-68, Chapter 67, amended Acts of 1866-67, Chapter 3, which set the per diem of Justices of the Peace attending Quarterly Courts, and of jurors waiting on and serving Courts, at \$2 per day, by making the same terms and conditions applicable to officers serving Courts, who would be paid a like per diem.
2. Private Acts of 1925, Chapter 556, amended Acts of 1867-68, Chapter 67, to provide that in Rutherford County the officers serving the Circuit Court and the Criminal Court would receive \$3 per day as compensation therefor.
3. Private Acts of 1967-68, Chapter 187, amended Private Acts of 1925, Chapter 556, by fixing the compensation of the officers serving the Circuit and Criminal Courts to be the same as that paid to the Foremen of Grand Juries by general law, the amount to come out of the county treasury.
4. Private Acts of 1969, Chapter 63, amended Acts of 1867-68, Chapter 67, by adding a provision for the presiding Judge to appoint Court officers.
5. Private Acts of 1977, Chapter 76, pertains to officers of the General Sessions, Juvenile, and Probate Courts. Since the Act amended the Act creating the General Sessions Court of Rutherford County (Private Acts of 1947, Chapter 389), please see the topic General Sessions Court for its contents.
6. Private Acts of 1979, Chapter 137, amended Acts of 1867-68, Chapter 67, by setting the per diem to be paid Court officers in Rutherford County at \$25.

### **Criminal Court**

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

1. Acts of 1847-48, Chapter 171, set up and organized a Criminal Court at Clarksville, Murfreesboro, and Lebanon for the counties of Montgomery, Rutherford, and Wilson, which Courts would be held by the Criminal Court Judge of Davidson County, under the same rules and regulations as any other Criminal Court. All criminal cases pending in the Circuit Courts of these counties must be transferred to the Court established herein. Court terms would be determined by order of the Court.
2. Acts of 1853-54, Chapter 52, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge jointly who would hold the Circuit Court of Sumner County and the Criminal Courts of Davidson, Rutherford, and Montgomery.



3. Acts of 1857-58, Chapter 98, provided that the Criminal Districts of Davidson, Rutherford, and Montgomery shall hold three terms of said court, in each year, at Nashville, Clarksville, and Murfreesboro. The terms to be fixed by standing order of the court.
4. Acts of 1870, Chapter 31, reorganized the circuit court system in Tennessee but left unchanged the Special Criminal Court for Davidson and Rutherford Counties.
5. Acts of 1870, Chapter 46, provided that the Criminal Court for Rutherford County would be held on the first Mondays of March, August, and November.
6. Acts of 1870-71, Chapter 55, amended Acts of 1870, Chapter 46, by changing the March term of Court to April for the Criminal Court of Rutherford County.
7. Acts of 1870-71, Chapter 109, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County, but did authorize the Circuit Court to empanel Grand Juries at its regular terms of Court to find bills of indictment and presentment which would be transferred to the Criminal Court for trial.
8. Acts of 1871, Chapter 26, amended Acts of 1870, Chapter 46, relating to the Criminal Court of Rutherford County by changing the starting dates for the terms of the Criminal Court to the first Monday in April, August, and December.
9. Acts of 1885 (Ex. Sess.), Chapter 20, in its complete revision of the lower court system of the State established the special criminal court Division including the counties of Davidson and Rutherford. Court terms would commence in Rutherford on the first Monday in April, August, and December.
10. Acts of 1891, Chapter 155, amended Acts of 1885 (Ex. Sess.), Chapter 20, which established a special criminal court Division for Davidson and Rutherford Counties by removing Rutherford County from that special Division and providing that thereafter crimes would be tried in Rutherford County in the Circuit Court to which all criminal jurisdiction was hereby restored. This Act was to become effective on June 1, 1891, to which all bonds and process must be made to conform.

### **District Attorney General**

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

1. Acts of 1817, Chapter 65, divided Tennessee into ten Solicitorial Districts. The Sixth Solicitorial District was composed of the counties of Smith, Wilson, and Rutherford. The General Assembly would appoint an Attorney General for each District.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District in the State of Tennessee coincide with each Circuit having criminal jurisdiction. The General Assembly would elect an Attorney General for each District. In addition to prosecuting or defending on behalf of the State, he would provide legal opinions to county officers without charge.
3. Private Acts of 1901, Chapter 319, created the position of District Attorney for Rutherford County who would be elected by the qualified voters to an eight year term. The salary was set at \$600 per year which would come from the fines and forfeitures in criminal prosecutions. The District Attorney would also serve as County Attorney for which services the County Court would provide additional compensation in an amount not less than \$100 per year.
4. Public Acts of 1953, Chapter 19, created the office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
5. Public Acts of 1974, Chapter 552, created the office of Criminal Investigator for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
6. Public Acts of 1976, Chapter 508, created an additional office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.

### **General Sessions Court**

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

1. Private Acts of 1947, Chapter 737, amended Private Acts of 1947, Chapter 384, Section 15, by increasing the amount to be paid to the Clerk of the General Sessions Court from \$1,000 to \$1,300 per annum. This entire Section was later ruled unconstitutional in *O'Brien v. Rutherford County*, 199 Tenn. 642, 288 S.W.2d 708 (1956).

2. Private Acts of 1957, Chapter 217, amended Section 11, Private Acts of 1947, Chapter 384, by increasing the annual salary of the Judge of the court from \$3,600 to \$6,500, and by adding a new paragraph at the end which stated that this increased amount would be and include the entire compensation to be paid to the Judge for all of his services. This Act was rejected by the Rutherford County Quarterly Court and consequently did not become an effective law.
3. Private Acts of 1963, Chapter 114, amended Section 2, Private Acts of 1947, Chapter 384, by adding a sentence to give concurrent jurisdiction to the General Sessions Court with the Circuit Court in divorces, habeas corpus proceedings, and workmen's compensation cases. Section 12 was amended with an added provision that the present Judge is the presiding Judge, and the Judge of Part I of the Court, who would assign cases, etc. The Act created a Part II of the General Sessions Court which would have a judge of equal jurisdiction and power, to be appointed by the Governor to serve until September 1, 1964. This Act was rejected by the Quarterly Court thus failing to become operative.
4. Private Acts of 1973, Chapter 1, would have created a Court of General Sessions, Juvenile Court and Probate Court of Rutherford County. Division I of three divisions would constitute the Court of General Sessions. This Act failed to receive local approval and never became effective.
5. Private Acts of 1973, Chapter 2, was in many respects identical to Private Acts of 1973, Chapter 1. This Act failed to receive local approval and consequently never became effective.

### **Juvenile Court**

The following act once affecting juvenile courts in Rutherford County is included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 591, amended Public Acts of 1911, Chapter 58, Section 18, by designating the City Recorder of the County Seat in Rutherford County, or the Judges of the Municipal Court of that City as the Judge of the Juvenile Court also. This Act was repealed by Private Acts of 1929, Chapter 102.

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