



July 05, 2024

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 Jury Commissioners - Jurors

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

1. Private Acts of 1939, Chapter 401, created a three member Board of Jury Commissioners for Rhea County, composed of discreet people, householders, who would be appointed by the Circuit Judge, or the Judge having criminal Jurisdiction, who would be sworn according to the oath contained in the Act and organize by choosing a Chairman. The Circuit Court Clerk would be the Clerk and also be sworn with the oath in the Act. The Board would select from the taxrolls, or some other source of public information, a list of reputable people not to be less than one-eighth of the number of votes cast in the last presidential election but the names chosen shall not be less than 250 or more than 1,000, who shall be the Jurors for the next two years. The Clerk shall secure a well-bound book and the names selected shall be entered in this book in alphabetical order, and certified at the end by all three members of the Board. The names were also to be placed on cards, or scrolls, placed in a box which would be sealed and locked and never opened except in the presence of the Board and then only to draw names. From ten to fifteen days before the term of Court was to open, the box would be brought out, shaken, and a child under ten years of age would draw out of the box the number of names needed for jurors for that term of Court, or the number of jurors as may be ordered and determined by the Court. These names would be placed in an envelope and delivered to the Judge by the Chairman of the Board. These names also were to be recorded in the book. The jury panel hereby drawn, if exhausted before adequate juries are obtained, would be replaced by another panel chosen in the same way. Three days before Court would open, the Sheriff would summon those selected who could be excused only by the Judge and then only for the reasons set out in the Act.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Rhea County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1822, Chapter 13, directed that one of the Judges of the Supreme Court shall hold a Court of Equity at least once each year at the same place the Supreme Court is held. Terms shall be for two weeks unless the docket is completed sooner. The Court at Rogersville would be on the first Monday in 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.
2. Acts of 1824, Chapter 14, make it the duty of the Justices of the Supreme Court to arrange among themselves to hold a Chancery Court at least twice each year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia and Charlotte. Terms would last for two weeks unless the dockets were cleared up sooner than that. The Chancery Court at Kingston would hear cases from the Counties of Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount, on the first Monday in June and December.
3. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions over which two Chancellors, appointed by joint ballot of both Houses of the General Assembly, would preside. The dockets and all process shall be made to conform to this Act. The Eastern Division had in it the Chancery Courts at Rogersville, Greeneville, Kingston, Carthage, and McMinnville. The Western Division was made up of Chancery Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Acts of 1827, Chapter 88, allowed the Chancellors to interchange among themselves but to hold court twice each year on the Eastern Division at Kingston for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn and Monroe, on the first Monday in June and December which would continue for two weeks, if needed.
5. Acts of 1835-36, Chapter 4, pursuant to the 1835 State Constitution, divided Tennessee into three Chancery Divisions over each of which a Chancellor would preside. There would be at least two terms of Court each year. The Divisions were further broken down into Districts. The 8th District of the Eastern Division was composed of the counties of Bledsoe, Hamilton, Marion, and Rhea and the Court would be held at Pikeville on the second Monday of June and December.
6. Acts of 1853-54, Chapter 55, changed the terms for the Chancery Court in several counties including Robertson, Humphreys, Dickson, Maury, Blount, Monroe, Wayne, McNairy, Sumner,

Stewart, Montgomery, and Rhea whose Courts would meet on the first Monday in May and November.

7. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The Fifth Division was composed of the Chancery Courts in the Counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Overton, Fentress, Scott, Morgan, Roane, Meigs, BlouM Monroe, and Rhea whose court terms would begin on the fourth Monday in April and October in Washington.
8. Acts of 1870, Chapter 32, organized the Chancery Courts of Tennessee into twelve Chancery Divisions, placing the Counties of Polk, McMinn, Meigs, Rhea, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, and the special court at Chattanooga in the 12th Chancery Division.
9. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Court for every county in the State of Tennessee. Rhea County would commence the terms of the Chancery Court on the third Monday in March and September.
10. Acts of 1870-71, Chapter 40, changed the terms of the Chancery Courts in the Third Chancery Division. Rhea's Chancery Court would hereafter start its terms on the Thursday after the second Monday in March and September.
11. Acts of 1879, Chapter 106, reset the starting dates for the Chancery Court of Rhea County to begin on the third Monday in March and September, all process being made to conform to the change.
12. Acts of 1883, Chapter 34, rescheduled the opening dates for the terms of the Chancery Court in all the Counties of the third Chancery Division including James, Meigs, Bradley, Polk, Marion, Bledsoe, Sequatchie, Hamilton, McMinn, Monroe, and Rhea Counties. Rhea's Chancery Court would begin on the first Monday in April and October.
13. Acts of 1885 (Ex. Sess.), Chapter 20, was the next complete revision of the lower Judicial system of the state. Eleven Chancery Divisions were formed of which the Third Division was made up of the counties of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee, and Grundy. The two court terms would begin in Rhea County on the first Thursday after the fourth Monday in March and September. This Act was part of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
14. Acts of 1887, Chapter 13, made some changes in Hamilton County and in Section 10 rescheduled the terms of the Courts in the Third Chancery Division. Rhea County would convene the Chancery Court on the fourth Monday in March and the first Monday in October.
15. Acts of 1889, Chapter 13, reset the terms of the Chancery Courts in the Third Chancery Division switching Rhea County to the first Monday in April and October. Clerks would make the changes necessary to comply herewith.
16. Acts of 1891, Chapter 73, amended Acts of 1889, Chapter 13, above to change some of the Chancery Court terms. Rhea County would commence Chancery Court terms on the second Monday in January and July.
17. Acts of 1895, Chapter 37, changed the dates of the Chancery Court terms in Franklin, Grundy, Rhea, and Polk Counties. Rhea County would take up the Chancery Court docket on the first Monday in February and August, all process being directed to conform to those dates.
18. Acts of 1899, Chapter 427, was the next major revision of the entire lower court system in Tennessee. Ten chancery divisions were formed for the state. 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. Court terms were slated to begin in Rhea County on the first Monday in February and August.
19. Private Acts of 1911, Chapter 435, divided the Third Chancery Division, taking all the counties out of that Division except Hamilton, leaving it to compose the Third Chancery Division alone. All the other counties were placed in a new 12th Chancery Division for which the Governor would appoint a Chancellor to serve until the Chancellor, once elected, would then appoint a Clerk and Master. The counties in the 12th Chancery Division were Franklin, Bradley, James, Marion, McMinn, Bledsoe, Warren, Sequatchie, Polk, Meigs, Grundy, Coffee, Van Buren, Monroe, and Rhea.
20. Private Acts of 1923, Chapter 457, changed the times for holding the Chancery Court in Rhea County to the first Monday in May and November of each year, starting after August, 1923.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last major reorganization of the lower court system of the state which appeared in the private acts volumes. The changes would be by Public Act in the Tennessee Code from henceforth. The Act formed 14 Chancery Divisions of which

the 12th Chancery Division contained the counties of McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, Franklin, and Rhea County where the terms of the Chancery Court would begin on the first Monday in May and November.

Chancery Court - Clerk

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

1. Private Acts of 1927, Chapter 713, stated that the Clerk and Master in Rhea County shall receive \$1,800 per annum as salary for his services, payable quarterly on the warrant of the County Judge, or Chairman. The Clerk and Master were required to file on January 1 of each year a sworn, itemized statement showing the total amount of fees collected and pay them into the Treasury of the County except the fees allowed the Clerk and Master as a Receiver and the Commission paid on sales of land. The Clerk and Master would report only on the fees earned after the passage of this Act. This Act is repealed in Item 3.
2. Private Acts of 1945, Chapter 365, amended Private Acts of 1927, Chapter 713, Section 2, above, by adding to the fees which were exempt from being paid into the County Treasury by the Clerk and Master the transcript costs coming to him. These did not have to be listed among those paid into the County Treasury.
3. Private Acts of 1949, Chapter 17, expressly repealed Private Acts of 1927, Chapter 713, as amended, which regulated the annual salary of the Clerk and Master in Rhea County.

Circuit Court

The following acts were once applicable to the circuit court of Rhea 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 1807, Chapter 9, which created Rhea County, also made the county a part of the Hamilton District of courts and appointed Thomas Moore, Joseph Brooks, and John Henry, as Commissioners, to select a suitable site for holding the courts in Rhea County.
2. Acts of 1809, Chapter 49, formed Tennessee into five Judicial Circuits. The Second Judicial Circuit was composed of the Counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe. The Circuit Court of Rhea County would meet at the courthouse on the second Monday in March and September.
3. Acts of 1812, Chapter 68, reset the opening dates for the terms of the Circuit Court in Rhea County to the third Monday in March and September.
4. Acts of 1817, Chapter 132, changed the terms of the Circuit Court in some of the counties of the Second Judicial Circuit but Rhea County remained on the third Monday in March and September.
5. Acts of 1819, Chapter 72, created the Seventh Judicial Circuit in the State assigning to it the Counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe. The General Assembly would select a Judge for the new circuit by a joint vote of both Houses, and, further, appoint an Attorney General to prosecute in the name of the State. Court terms in Rhea County would continue to start on the third Monday in March and September.
6. Acts of 1827, Chapter 5, rearranged the terms of the Circuit Courts of the Counties of Bledsoe, Marion, Hamilton, McMinn, Monroe, and Rhea where the terms of the Circuit Court would commence on the fourth Monday in March and September.
7. Acts of 1835-36, Chapter 5, reorganized the entire group of Circuit Courts across the State pursuant to the provisions of the 1935 State Constitution and to allow for three terms of court annually in the future instead of two. This act created eleven judicial courts in all designating the counties of Roane, Rhea, Meigs, Bledsoe, Marion, Hamilton, McMinn, and Monroe as the Third Judicial Circuit. The Circuit Court terms would begin in Rhea County on the first Monday in March, July, and November.
8. Acts of 1835-36, Chapter 41, provided that the next terms of the Circuit Courts in Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe be held according to the schedule of the former law but after that term the schedule of terms supplied in Acts of 1835-36, Chapter 5, would be followed.
9. Acts of 1857-58, Chapter 98, reorganized the entire lower court system of the State into sixteen Judicial Circuits. The Fourth Judicial Circuit contained the Counties of Bradley, Polk, Rhea, Hamilton, McMinn, Meigs, and the Common Law Court of Chattanooga. The Circuit Court terms would begin in Rhea County on the first Monday in March, July, and November.

10. Acts of 1870, Chapter 31, divided Tennessee into fifteen regular, and one special, Judicial, Circuits. The Counties of McMinn, Polk, Meigs, Rhea, Bradley, Hamilton, Marion, Sequatchie, Bledsoe, and the Special Court at Chattanooga were all part of the Fourth Judicial Circuit.
11. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts in every county in the State. Rhea County's Circuit Court would begin its terms on the first Monday in March, July, and September.
12. Acts of 1870, Chapter 106, reset the Circuit Court terms in the counties of the Fourth Judicial Circuit. Rhea County would convene the Circuit Court on the second Monday in February, June, and October. All process was to conform to those dates and all the conflicting portions of Acts of 1870, Chapter 46, above, were repealed.
13. Acts of 1885 (Ex. Sess.), Chapter 20, was the next major revision in the lower judicial structure of Tennessee which resulted in the formation of fourteen regular, and one special, judicial circuits. The Fourth Judicial Circuit was made up of the Counties of Bradley, Polk, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, and James. Rhea County's Circuit Courts would meet on the first Monday in March, July, and November.
14. Acts of 1887, Chapter 109, created a Common Law Court at Dayton in Rhea County with jurisdiction over the Seventh, Eighth, Tenth, and Eleventh Civil Districts. This court would constitute one of those in the Fourth Judicial Circuit and would exercise the same civil and criminal jurisdiction as the other courts in the circuit. The county court was directed to supply jurors for this court and the Court Clerk at Washington must transfer all records and pleadings in those cases originating in the above Civil Districts. The Sheriff of the County was required to furnish officers to wait upon the court and the expenses of it were to be paid out of the regular county funds and coffers. Terms of court would start on the Wednesday after the second Monday in May, September, and January.
15. Acts of 1889, Chapter 13, reset the terms of the Circuit Courts in the Counties of Bradley, Polk, Meigs, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, James, and Rhea in the Fourth Judicial Circuit. Court would begin in Rhea County on the first Monday in March, July, and November.
16. Acts of 1889, Chapter 35, created the 17th Judicial Circuit out of parts of the Third and Fourth Judicial Circuits assigning to it the Counties of Bradley, James, McMinn, Polk, Meigs, and Monroe.
17. Acts of 1889, Chapter 167, scheduled the opening dates for the terms of court in the Fourth Judicial Circuit which now contained the counties of Hamilton, Bledsoe, Sequatchie, Marion, and Rhea whose Circuit Court terms would begin on the first Monday in April, August, and December.
18. Acts of 1891, Chapter 134, detached Rhea County from the Fourth Judicial Circuit and attached it to the 17th Judicial Circuit and provided that, after the next term of court on the existing schedule, the court would open on the second Mondays in April, August, and December.
19. Acts of 1891 (Ex. Sess.), Chapter 16, amended Acts of 1891, Chapter 134, above, so as to change the terms of the Circuit Court of Rhea County, after the next term of court, to the first Monday in March, July, and November, instead of the second Mondays in April, August, and December.
20. Acts of 1899, Chapter 409, removed Rhea County from the 17th Judicial Circuit and assigned the county to the Sixth Judicial Circuit within which the terms of court would commence on the second Mondays in April, August, and December.
21. Acts of 1899, Chapter 427, was a complete reworking of the entire lower court system of the State. Fourteen Judicial Circuits were formed across Tennessee of which the Seventh Circuit included the Counties of Van Buren, Grundy, Coffee, Warren, Moore, Dekalb, Bledsoe, Rhea, and Lincoln. Courts would start in Rhea County on the second Mondays in April, August, and October.
22. Acts of 1903, Chapter 580, rescheduled the court terms in the Seventh Judicial Circuit which contained the Counties of Coffee, Warren, Moore, Dekalb, Lincoln, Grundy, Bledsoe, Van Buren, and Rhea where the court would meet on the first Tuesday after the second Mondays in April, August, and December.
23. Acts of 1905, Chapter 269, changed the Circuit Court terms in Dekalb County and in Rhea County where the court would take up the docket on the first Tuesday after the second Mondays in March, July, and December.
24. Private Acts of 1909, Chapter 540, reset Circuit Court terms in Grundy County and in Rhea County of the Seventh Judicial Circuit. Rhea County would start Circuit Court terms on Tuesday after the third Monday in March and July, and Tuesday after the second Monday in December.
25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act of this nature to appear in the

volume of Private Acts, all future changes would take the form of public acts and Code amendments. This act reorganized the complete lower Court System into twenty Judicial Circuits. The 18th Judicial Circuit included the Counties of Franklin, Sequatchie, Bledsoe, Marion, Grundy, Meigs, and Rhea where the court would assemble on the first Monday in April, August, and December.

26. Private Acts of 1939, Chapter 444, provided that the Judge of the Circuit Court in Rhea County (identified by the use of the 1930 Federal Census Court) would have the authority to appoint the necessary officers to wait on his court while the same was in Session. 27. Public Acts of 1963, Chapter 248, created an additional Judge for the Eighteenth Judicial Circuit who would be paid the same compensation as other Judges in Tennessee and be subject to the same liabilities.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Rhea 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 1822, Chapter 86, was the authority for John Locke, the Circuit Court Clerk of Rhea County to keep the Clerk's office for the said county at his own residence which adjoins the town of Washington.
2. Acts of 1903, Chapter 255, was one of the first salary Acts of the State, but referred to and affected the Circuit Court Clerks only. The annual salary of the Clerk was classified by the population of the County and was one of the earliest Acts to do this. These Acts eventually led to the current salary Acts which are still in effect, using the same format. According to our information, the Circuit Court Clerk of Rhea County would have been paid \$500 a year if certain conditions were met.
3. Private Acts of 1925, Chapter 767, fixed the annual salary of the Circuit Court Clerks in Rhea County at \$1,200, provided the Clerk filed a sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees paid into the Clerk's office. If the fees did not equal the amount of the salary established herein, the County would pay the difference. The Clerks were not required to keep account of or to report their fees from the County Court Clerk's office or from the costs of transcripts for appeals. This Act was repealed in Item 8, below.
4. Private Acts of 1929, Chapter 617, stated that the Circuit Court Clerks in Rhea County identified by the use of the 1920 Federal Census figures, shall be paid an annual salary of \$900, payable monthly by the County Judge, or Chairman, by the issuance of a warrant each month in the amount of \$75 and, in addition, the Clerk shall retain as salary all the fees collected by his office. This Act was repealed in Item 7.
5. Private Acts of 1931, Chapter 694, stated that the Circuit Court Clerk of Rhea County shall be paid \$1,000 per annum, payable monthly out of the general revenue of the county on the warrant of the County Judge, or Chairman of the Clerk shall further be allowed to retain as salary all the fees of his office. See *Kyle v. Cooley*, 170 Tenn. 547, 98 S.W.2d 85 (1936).
6. Private Acts of 1939, Chapter 444, provided that in Rhea County, the Circuit Judge shall have the authority to appoint the necessary officers to wait upon the Court while it was in session, all conflicts being repealed.
7. Private Acts of 1949, Chapter 16, expressly repealed Private Acts of 1929, Chapter 617, Item 4, above, in its entirety.
8. Private Acts of 1949, Chapter 18, specifically repealed Private Acts of 1925, Chapter 767, Item 3, above, in its entirety.

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1817, Chapter 65, established the Sixth Judicial Circuit and divided Tennessee into ten Solicitorial Districts. The Fourth Solicitorial District was composed of the counties of Knox, Anderson, Morgan, Roane, and Rhea and the General Assembly shall appoint an Attorney General to prosecute in each District who shall be paid \$125 a year except in that District in which the Supreme Court is located where the Attorney General shall be paid \$150 a year.
2. Acts of 1819, Chapter 4, assigned the Counties of Bledsoe, Marion, Rhea, and Hamilton to the newly created 11th Solicitorial District.
3. Acts of 1835-36, Chapter 28, made each Solicitorial District to coincide with the boundaries of

each Judicial Circuit having criminal jurisdiction. This act was enacted immediately after the 1835 Constitution went into effect.

4. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
5. Public Acts of 1971, Chapter 192, created the office of Criminal Investigator for the District Attorney General of the Eighteenth Judicial Circuit.
6. Public Acts of 1973, Chapter 176, amended Public Acts of 1971, Chapter 192, by changing the word "one" to "two" therein thus adding another position of Criminal Investigator to Rhea County.
7. Public Acts of 1976, Chapter 561, created an additional full time Assistant District Attorney General for the Eighteenth Judicial Circuit. The District Attorney General was authorized to appoint a suitable person as an Assistant District Attorney.

General Sessions Court

The following acts once affected the general sessions court of Rhea County, but are no longer in effect and are included herein for reference purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1949, Chapter 868, created a General Sessions Court in Rhea County and divested the Justices of the Peace and County Judge of their jurisdiction in criminal and civil cases.
2. Private Acts of 1953, Chapter 570, expressly repealed the Private Acts of 1949, Chapter 868, above.
3. Private Acts of 1959, Chapter 347, attempted to again establish a General Sessions Court in Rhea County and to divest the Justices of the Peace and the County Judge of their jurisdiction in civil and criminal cases. This act was rejected by the local authorities and never became operative.

Juvenile Court

The following acts once affecting juvenile courts in Rhea County are included herein for reference purposes.

1. Private Acts of 1981, Chapter 67, as amended by Private Acts of 1992, Chapter 197, created the juvenile court of Rhea County. This act was repealed by Private Acts of 1997, Chapter 92.
2. Private Acts of 1982, Chapter 266, assigned the probate jurisdiction in Rhea County to the Juvenile Court by amending Private Acts of 1981, Chapter 67, and made the Rhea County Clerk the Clerk of the probate business of the Court. We have been advised that this Act was not approved by the Rhea County Commission, as required by law, and consequently failed to become an active statute under the Home Rule Amendment to the Constitution.

Secretarial Assistance

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

1. Public Acts of 1963, Chapter 248, authorized the new junior Judge of the Eighteenth Circuit to hire a stenographer at a salary of \$100 per month. This Section has been superseded by the general law.

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