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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Putnam County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 234, amended Public Acts of 1919, Chapter 37, which authorized the criminal court judges and the circuit court judges having criminal jurisdiction to appoint the foremen of grand juries so as to exempt from the provisions of Chapter 37 all the Judges holding court in Putnam County.
2. Private Acts of 1935, Chapter 392, established a three member Board of Jury Commissioners in Putnam County, who must be freeholders or householders, a two year resident of the county, and not an attorney, nor an official of the State, or County, and who could have no suit pending in the courts. The members would be appointed by the judge holding the Circuit Court for a term of two years, with the first Board hereunder serving until the fourth Monday in May, 1937. Justices of the Peace were expressly declared to be eligible to serve. Within ten days after their appointment, the Circuit Court Clerk would call them to meet, and be sworn into office according to the oath in the Act. On the first Monday of the month preceding the opening of the criminal court term, the Board would convene and select from the tax rolls 42 names as a jury list for the criminal court and at the same time choose 18 names for the circuit court, dividing the combined number as equally as they could between the civil districts of the county. The names of those chosen would be entered upon a book supplied for that purpose and the entire list must be duly certified by all three members of the Board. The Grand Jury would be taken from this list but the Foreman of the Grand Jury was to be named by the Criminal Court Judge without any regard to the list. Provisions were made to replenish exhausted jury panels and to summon people for special juries. The Commissioners would be paid \$3 for making out the jury list at each term. This list when completed would be sent to the Sheriff at the appropriate time to be summoned. The selection of foreman of the grand jury would be in accordance with Public Acts of 1919, Chapter 37, thus repealing by implication Private Acts of 1923, Chapter 234. This Act was repealed by Private Acts of 1937 Chapter 86.
3. Private Acts of 1935 (Ex. Sess.), Chapter 114, amended Private Acts of 1935, Chapter 392, by correcting the census data so as to make Chapter 392 apply to Putnam County. Section 12 was amended by deleting the provision that prior service on a jury within two years from the date of this selection would not be a disqualification to serve as a juror. This Act was repealed by Private Acts of 1937, Chapter 86.
4. Private Acts of 1951, Chapter 20, established a three member Board of Jury Commissioners who would be appointed by agreement of the Circuit Judge and Criminal Court Judge whose members must be freeholders, householders and county residents, who are not lawyers, or elected State, County or city official and who have no suit pending in the courts. Each one would be appointed to a six year term but would not be eligible for reappointment at the end of that time. Vacancies must be filled in the same manner as original appointments, except that they would be only for the unexpired term. After being sworn to the oath prescribed in the Act, the Board would meet to select a Chairman The Circuit Court Clerk, also being sworn, would perform as Clerk of the Board. The Board would then meet to select at least 500 and nor more than 1000 names from the tax rolls, or other public sources, which would constitute the jury list for the next two years, and which would not be added to, or reduced, except as provided in this Act. The names would be enrolled in alphabetical order by the clerk in a book especially chosen for that purpose and the entire list must be certified by all three members of the Board. The names would also be placed on scrolls and placed in a jury box which would be locked and sealed, and not opened except in the presence of the Board and then only to produce a new list, or to select a jury. Not less than ten nor more than twenty days before court started, the Board would unlock the box and have a child under ten years of age draw at least 36 and nor more than 50 names from the box, unless the judge required a higher number. These people would serve as the grand and petit jurors for that term of Court. These names, and a list of them certified by the Clerk would be delivered to the Judge in open Court on the first day of the term, all names of disqualified people for any reason having been removed from the list. Five days before court the list would be delivered to the Sheriff who would summon the jurors. Provisions were included to provide special jury panels and to replenish panels which might be exhausted for any reason. Penalties were provided for violations of this act including removal of Commissioners who do not observe all the requirements

herein. None could be excused from jury duty except by the Judge. The commissioners would be paid \$4 per day for each day spent in the performance of their duties hereunder.

5. Private Acts of 1957, Chapter 385, would have set the compensation of the Foreman of the Grand Jury in Putnam County at \$8 per day but no compensation would be allowed except for those days which the Foreman actually served in the performance of the duties of the office. This Act was rejected by the Putnam County Quarterly Court and therefore never became an effective law under the Provisions of the Home Rule Amendment to the State Constitution.
6. Private Acts of 1957, Chapter 391, was also rejected by the Quarterly Court and never took effect in Putnam County. A three member Board of Jury Commissioners would be appointed by the Circuit and Criminal Court Judges, who must meet the qualifications stated in the Act, and who would serve staggered terms initially and then three year terms thereafter. The Board would, after complying with the instructions of the Act prior thereto select at least 800 names from the tax rolls and voters registration lists to constitute the jury list for the county until the Judge decided a new one was needed. The Clerk must prepare a Jury Box #1 and a Jury Box #2. Box #1 would contain the names as first produced by the Board. The names selected by the child under 10 in the presence of the Judge and Commissioners would be entered in the Jury Book and finally go into Box #2. Provisions for replenishing juries were included.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Putnam 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 1841-42, Chapter 169, which originally created Putnam County provided that all the courts would meet at White Plains until a seat of justice could be selected and built. The Court could adjourn at any time to a better place should one become available. The Chancery Court at Gainsborough, Sparta, or Livingston would receive and hear the suits in equity which originated in Putnam County.
2. Acts of 1845-46, Chapter 82, Section 2, rescheduled the terms of Court for some of the Chancery Courts in the Fourth Chancery Division. Among them was the Court at Gainsborough in Jackson County which heard the cases from Putnam County whose terms would hereafter commence on Wednesday after the fourth Monday in January and July. In Sparta, court would meet on Wednesday after the second Monday in March and September. At Livingston, court would meet on the third Monday in March and September.
3. Acts of 1849-50, Chapter 213, provided that the terms of the Chancery Court meeting at Gainsborough would begin in the future on the Wednesday after the second Monday in January and July.
4. Acts of 1851-52, Chapter 331, amended Acts of 1849-50, Chapter 213, which required the Chancellor of the Fourth Division to hold the chancery court at Gainsborough in Jackson County so that the terms of court would begin at Gainsborough on the first Wednesday after the first Monday in February and on the first Wednesday after the second Monday in July.
5. Acts of 1853-54, Chapter 320, was the second organization of Putnam County subsequent to the decision of the Supreme Court which would allow its re-establishment. The Chancery cases arising in Putnam County could be filed either at Sparta, Livingston, or Gainsboro.
6. Acts of 1855-56, Chapter 22, stated that Putnam County would be a separate Chancery District whose court would be held by the Chancellor of the Fourth Chancery Division at the Court House in Cookeville on the first Friday after the first Monday in February, and on the first Friday after the second Monday in July. The Chancellor was obligated to appoint a Clerk and Master for the new Court. It would be lawful for the Chancellor to order the cases pending at Livingston, Gainsborough, Sparta, or Smithville, which have originated in Putnam County to be transferred to this Court.
7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The Fourth Chancery Division consisted of the counties of Wilson, Macon, Jackson, Smith, Coffee, Franklin. Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Putnam whose Court would convene on the first Monday in February and the third Monday in September at Cookeville.
8. Acts of 1857-58, Chapter 95, Section 7, gave the Judge of the Fourth Judicial Circuit the duty of holding the Chancery Court in the counties of Putnam and Cumberland. The Judge would have and could exercise all the powers and jurisdiction of other Chancellors. The Court at Cookeville would begin its terms on the first Monday in February and the third Monday in September of each year.

The Chancellor would also hold court on Friday after the second Monday in July.

9. Acts of 1859-60, Chapter 86, Section 4, provided that the Judge of the 6th Judicial Circuit would hold the Chancery Court at Cookeville in Putnam County on the fourth Monday of April, August, and December.
10. Acts of 1866-67, Chapter 33, created and organized the 12th Chancery Division which contained the counties of White, Van Buren, Grundy, Coffee, Franklin, Putnam, Smith, DeKalb, Cannon and Warren. The Governor was required to appoint a Chancellor for the new Division until a successor could be elected for a specified term by popular vote. Section 3 fixed the opening dates for the terms of Court assigning Putnam County to the third Monday in April and October.
11. Acts of 1870, Chapter 32, divided the State into twelve Chancery Districts of which the Fifth Chancery District included the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, Dekalb and Clay.
12. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Court of every County in the State. The Chancery Court of Putnam County would start the regular terms of court on the first Monday in March and September.
13. Acts of 1885, (Ex. Sess.), Chapter 20, was the next complete revision of the Tennessee lower judicial system. Eleven Chancery Divisions were formed in the State. The Fifth Chancery Division contained the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, White, DeKalb, Smith, Macon, and Putnam whose court would meet on the last Monday in February and August. (This Act, plus many others, were carefully considered by the Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958), although the case concerned only the Memphis criminal court.)
14. Acts of 1891 (Ex. Sess.), Chapter 11, scheduled the opening dates for the Chancery Court terms for the counties in the Fifth Chancery Division. These counties were DeKalb, Jackson, Macon, Clay, Overton, Pickett, Fentress, Cumberland, White, Smith and Putnam where the Chancery Court would begin its regular terms on the first Tuesday after the fourth Monday in February and August.
15. Acts of 1895, Chapter 15, reset the court terms for some of the Chancery Courts in the Fifth Chancery Division, changing Putnam County to the third Monday in May and November.
16. Acts of 1897, Chapter 43, set the times for opening Chancery Court in the Fifth Chancery Division. Putnam County would open on the first Monday after the fourth Monday in April and October. the Chancellor of the Fifth Chancery Division would also hear non-jury civil cases which were not tried by the Circuit Judge during the first term in Putnam, Jackson and White Counties.
17. Acts of 1897, Chapter 294, rearranged the dates on which the terms of the Circuit Courts in the Fifth Judicial Circuit and the Chancery Courts in the Fifth Chancery Division would open. The Fifth Chancery Division included the counties of Smith, Macon, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, DeKalb, and Putnam whose Chancery court terms would commence on the first Tuesday after the second Monday in June and December.
18. Acts of 1899, Chapter 427, reorganized the structure of the entire lower court system of Tennessee. The Act created ten Chancery Divisions and assigned the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale to the Fourth Chancery Division. Court terms would continue to open in Putnam on the first Tuesday after the second Monday in June and December.
19. Acts of 1905, Chapter 120, changed some of the counties in the Fourth Chancery Division to include Cannon, Trousdale, Cumberland, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, and Putnam whose court would thereafter convene on the second Monday in June and December.
20. Private Acts of 1911, Chapter 507, rearranged some of the scheduled dates for Chancery Court terms to start in the Fourth Chancery Division, which was now composed of the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, and Putnam whose Court would meet on the third Monday in June and the second Monday in December.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the State into fourteen Chancery Divisions allocating the counties of Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White and Putnam to the Fourth Chancery Division. The Court terms would commence in Putnam County on the first Monday in June and December

Chancery Court - Clerk and Master

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

1. Acts of 1855-56, Chapter 22, in creating a Chancery District to Putnam County authorized the Chancellor to appoint a Clerk and Master.
2. Acts of 1870-71, Chapter 103, recited that the office of Clerk and Master had been vacant for several months in Putnam County, and Jesse Arnold, a Deputy, had been acting as Clerk and Master at the request of attorneys and other interested parties. This Act ratified and confirmed all the acts done and performed by the said Arnold and directed further that he receive the same fees as provided by law to Clerks and Masters.

Circuit Court

The following acts were once applicable to the circuit court of Putnam 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 1841-42, Chapter 169, which originally created Putnam County, provided that all the courts of the county would first meet at White Plains but the Court could adjourn to a more suitable place. The first Circuit Court would meet at White Plains on the second Monday in March, next, and afterwards would meet on the second Monday in March, July, and November, as part of the Fourth Judicial Circuit.
2. Acts of 1853-54, Chapter 320, re-established Putnam County after a gap of several years. The Circuit Court would meet at the home of Lewis Huddleston until the county seat was selected and prepared but the court had the authority to adjourn to any other place in the county. The Circuit Court was assigned to the Fourth Judicial Circuit and would begin the regular terms of court on the second Monday in April, August and December.
3. Acts of 1857-58, Chapter 82, Section 4, provided that the Circuit Court of Putnam County would hereafter be held on the third Monday in January, May, and September, but the next succeeding term after the passage of this Act would occur at the time set by the current law.
4. Acts of 1857-58, Chapter 98, separated the State into sixteen Judicial Circuits. The Sixth Circuit contained the counties of Jackson, Macon, Smith, DeKalb, and Putnam where the regular court terms would begin on the fourth Monday in April, August, and December.
5. Acts of 1870, Chapter 31, was part of a complete restructuring of the lower Court system undoubtedly influenced by the reconstruction policies after the Civil War and in anticipation of the Constitutional Convention to come. The General Assembly formed fifteen regular, and one special, judicial circuits in this law. The Fifth Circuit was composed of the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay, if established.
6. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Courts in every County in Tennessee. In Putnam County the Court would commence on the second Monday of February, June, and October.
7. Acts of 1872 (Ex. Sess.), Chapter 15, changed the schedule of Circuit Court terms in the counties of Macon, Clay, Jackson, Overton, White, DeKalb, and Smith, but Putnam County would continue the terms of circuit court on the second Monday in February, June, and October.
8. Acts of 1881, Chapter 92, reset the terms of the Circuit Courts in the Fifth Judicial Circuit. The Circuit Court of Putnam County would commence the regular terms of the court on the first Tuesday after the second Monday in February, June, and October.
9. Acts of 1885 (Ex. Sess.), Chapter 20, formed sixteen regular, and one special, judicial circuits in this complete revamping of the lower Court system of the State. The Fifth Judicial Circuit included the counties of Pickett, Fentress, Cumberland, Overton, Clay, Macon, Jackson, Smith, Trousdale, and Putnam where the Court would open on the Tuesday after the second Monday in February, June, and October.
10. Acts of 1887, Chapter 12, rescheduled the terms of court for the Circuit Courts in the Fifth Judicial Circuit. Putnam County would take up the regular docket of the Court on the second Monday in January, May, and September.
11. Acts of 1891 (Ex. Sess.), Chapter 3, repealed the Act which detached Cumberland County from the Fifth Judicial Circuit and added it to the Third Circuit, thus restoring Cumberland to the Fifth Circuit composed of the counties of White, Cumberland, Smith, Trousdale, and Putnam County which would start its Circuit Court terms on the first Monday in January, May, and September.
12. Acts of 1895, Chapter 221, amended Acts of 1891 (Ex. Sess.), Chapter 3, to the effect that the

Circuit Court of Putnam County would hereafter be held on the Tuesday following the first Monday in January, May, and September.

13. Acts of 1897, Chapter 43, set the times for holding the circuit courts in the Fifth Judicial Circuit. In Putnam County, the Court would meet on the second Monday in January, May and September.
14. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, but Putnam County's Court remained on the first Tuesday after the first Monday in January, May and September. The Circuit was made up of the counties of White, Overton, Pickett, Clay, Jackson, Macon, Smith, Trousdale, and Cumberland.
15. Acts of 1899, Chapter 427, reorganized the lower judicial system of Tennessee into fourteen Judicial Circuits assigning the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon to the Fifth Judicial Circuit. The terms in Putnam County would still open on the Tuesday after the first Monday in January, May, and September.
16. Acts of 1901, Chapter 324, reset the court schedule for some of the counties in the Fifth Judicial Circuit but did not affect Putnam County.
17. Acts of 1903, Chapter 457, amended Acts of 1901, Chapter 324, so as to change the dates of the Circuit Court terms in Smith County, White County, and Putnam County whose Court would hereafter begin the regular terms of court on the first Tuesday after the third Monday in January, May, and September.
18. Private Acts of 1907, Chapter 85 divided the Circuit Court's jurisdiction in Putnam County into civil and criminal divisions.
19. Private Acts of 1907, Chapter 122, rearranged the terms of the circuit court in the Fifth Judicial Circuit for the counties of Smith, White, Cumberland, Pickett, Overton, Clay, Jackson, Trousdale, Macon, and Putnam where the Court would afterwards meet on the fourth Monday in March, July, and November.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, created a total of twenty Judicial circuits in this complete reorganization of most of the trial courts in Tennessee. The Fifth Judicial Circuit contained the counties of Clay, White, Overton, Jackson, Cumberland, Pickett, and Putnam whose circuit court would meet on the fourth Monday in March, July, and November.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Putnam County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, was a salary act for Circuit Court Clerks in which their annual salary was determined by the population class of the county in which they served, according to the census of 1900. A sworn, itemized statement had to be filed with the County Judge, or chairman, showing the total amount of fees collected in the office for the preceding year. If the fees were less than the salary, the County was obligated to pay the difference. If the fees exceeded the salary, the Clerk could retain the excess. According to the 1900 census figures the Circuit Court Clerk in Putnam County would have drawn \$750 a year.
2. Private Acts of 1915, Chapter 601, provided that the Circuit Court Clerk in Putnam County would be paid \$5 per day for clerical help during the actual sessions of the Court in which the clerk was required to keep minutes. To be paid the Clerk must verify the accuracy of the minutes whereupon a warrant would be issued to pay the above amount. This Act was repealed by Private Acts of 1919, Chapter 721.

Criminal Court

The following acts once pertained to the Putnam County criminal court, but are no longer current law.

1. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, listed the counties of White, Overton, Jackson, Macon, Trousdale, Smith, Wilson, and Putnam in the Criminal Court Division of the Fifth Judicial Circuit. The Court in Putnam County was scheduled to open its regular terms of court on the first Tuesday after the third Monday in January, May, and September.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Putnam County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney-General in the Fifth Judicial Circuit who must be at least 25 years of age, or older, learned in the law, and who would serve at

the pleasure and direction of the Attorney-General of the Circuit. The salary was set at \$1,800 annually to be paid out of the State Treasury. This Act was repealed by Private Acts of 1919, Chapter 166.

2. Private Acts of 1921, Chapter 553, created the office of Assistant Attorney-General in Putnam County. The Attorney General of the Circuit was required to appoint a suitable person to serve at his will and under his direction, who must be learned in the law and not under 25 years of age. The salary of \$2,000 per year would be paid out of the State Treasury.
3. Private Acts of 1927, Chapter 805, amended Private Acts of 1921, Chapter 553, by increasing the annual salary of the Assistant Attorney-General, provided for therein, from \$2,000 to \$2,400.
4. Public Acts of 1976, Chapter 563, and Public Acts of 1978, Chapter 770, created additional positions for assistant district attorneys general and criminal investigators in the Fifth Judicial Circuit. Putnam County is now part of the Thirteenth Judicial District, according to T.C.A. 16-2-506, which also provides the number of judges, assistant district attorneys general and investigators for the district.

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