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## Chapter V - Court System

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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.

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# Chapter V - Court System

## Court System - Historical Notes

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

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

1. Private Acts of 1937, Chapter 532, created a Board of Jury Commissioners for Meigs County. The Judges of the Circuit, Criminal, and Chancery Courts would appoint a Board of three members, discreet citizens of the county, non-attorneys, who had no cases pending in the courts nor any interest of a conflicting nature. They would take the oath prescribed in the statute and organize by selecting one of their number chairman. The Clerk of the Circuit or Criminal Court would also be the Clerk for the Commission who would likewise subscribe to the prescribed oath. The Board would take from the tax rolls or other public sources names equal to one-eighth of the number of voters voting in the last presidential election but no more than 1000 nor less than 250. The Clerk would enter these names in a well-bound book with the initials of the Commissioner who selected it and all of the Commissioners would certify the entire list when it was completed. The names would further be placed on scrolls which would be placed in a box and locked and sealed. From 10 to 15 days before court the seal on the box would be broken and a child less than 10 years old would draw out the names of the required number of jurors in the presence of the Board and the Clerk. these names would then be placed on a certified list and sent to the Sheriff who would summon them for jury duty, and those selected would be put on the grand or petit jury panels. None could be excused except for the reasons stated and only by the Judge. However, these requirements have been liberalized some in recent years.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Meigs County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1835-36, Chapter 20, attached Meigs County to the same Chancery District with Roane and Morgan Counties.
2. Acts of 1835-36, Chapter 68, provided that Meigs County would be attached to the same Chancery Division composed of McMinn and Monroe Counties and all the appeals therefrom would be directed to and heard in Knoxville.
3. Acts of 1839-40, Chapter 21, authorized the election by complainants to bring their suits in chancery either in the Chancery Court at Kingston in Roane County or at Cleveland in Bradley County.
4. Acts of 1853-54, Chapter 105, provided that Meigs County would be a separate Chancery District and court would be held in Decatur on the second Monday of March and September. The Chancellor would appoint a Clerk and Master who would perform the normal duties of that office at Decatur after first making a proper bond.
5. Acts of 1855-56, Chapter 112, changed the terms for holding Chancery court in the 5th Chancery Division but named only the cities involved instead of counties. The court at Decatur in Meigs County would be held on the fourth Monday in April and October.
6. Acts of 1855-56, Chapter 164, provided that the citizens of Meigs County who had cases pending in the Chancery Court at Athens, Cleveland, or Harrison may have them transferred to the court at Decatur, and, if so, the Clerk and Master of those courts would forward the transcripts of the causes to the court at Decatur.
7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, 4th, 5th, and 6th Chancery Divisions. Meigs County was in the 5th Division and the terms of the court would begin at Decatur on the fourth Monday of April and October.
8. Acts of 1870, Chapter 32, divided the State into 12 Chancery Districts. The Third District was made up of Polk, McMinn, Rhea, Cumberland, Bledsoe, Sequatchie, Marion, Hamilton, Bradley, the special court at Chattanooga, and Meigs County.
9. Acts of 1870, Chapter 47, scheduled the court terms for all of the Third District assigning Meigs County to the Thursday after the third Mondays of March and September.

10. Acts of 1870-71, Chapter 40, changed court terms in some of the counties of the Third Chancery District including Meigs which was changed to the second Monday in March and September.
11. Acts of 1879, Chapter 106, changed chancery court terms for Rhea and Meigs Counties. Meigs court terms would begin on the Thursday after the second Monday in March and September.
12. Acts of 1883, Chapter 34, changed court dates for all the chancery courts in the 3rd Chancery Division including Meigs county which went to the fourth Monday in March and September.
13. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the Chancery Judicial structure in Tennessee into eleven Chancery Divisions. The Third Chancery Division was made up of Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Bledsoe, Sequatchie, Van Buren, Coffee, Grundy, and Meigs County whose court terms would commence on the fourth Monday in March and September.
14. Acts of 1887, Chapter 13, changed Court terms for all the Third Chancery Division. Meigs County would have three terms of the Chancery Court every year to be held at the same time as the Circuit Court of the County and the Circuit Judge of the 4th Judicial Circuit was authorized to hold this court. Section 11 of this act set those terms to begin on the second Monday in March and July, and the fourth Monday in October of each year. This act was specifically repealed by the one following.
15. Acts of 1889, Chapter 13, changed the system of the Chancery Court from the three terms a year then by the Circuit Judge back to the 3rd Chancery Division with court terms for Meigs County to begin on the fourth Monday in March and September. Chapter 13, Acts of 1887, was repealed specifically.
16. Acts of 1899, Chapter 128, created and regulated the office of county judge for Meigs County. The office of county judge was later abolished by Acts of 1899, Chapter 241 which at the same time provided for the chairman of the county court of Meigs County to hold the county court.
17. Acts of 1899, Chapter 427, reorganized the entire lower judicial system of the State. There were ten Chancery Divisions of which the Third was composed of Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Polk, Hamilton, and Meigs counties. The terms of court in Meigs would begin on the first Monday in May and November.
18. Private Acts of 1911, Chapter 435, created a new 12th Chancery Division consisting of Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe counties, leaving only Hamilton County in the Third Chancery Division. The Governor would appoint a Chancellor to serve until September 1, 1912. The new chancellor would be elected in August, 1912, for a six year term and then in 1918 for an eight year term, and every eight years thereafter.
19. Private Acts of 1921, Chapter 145, provided that the Chancery Court for Meigs County held in Decatur would begin on Tuesday after the Third Monday in April and October, all process being made returnable to those dates.
20. Private Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last Act published in the private acts sector which concerned the organization of the courts. Those following would be public acts and be a part of the Code. This Act divided the State into fourteen Chancery Divisions. Meigs County was in the 12th Division with Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Polk, Grundy, Coffee, Monroe, and Franklin. Court terms would begin on the Tuesday after the third Monday in April and October.

### **Circuit Court**

The following acts were once applicable to the Circuit Court of Meigs 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 1835-36, Chapter 5, established the Third Circuit Court which Meigs County became a part of, along with Roane, Rhea, Bledsoe, Marion, Hamilton, M'Minnand Monroe Counties.
2. Private Acts of 1835-36, Chapter 34, provided that the County and Circuit Courts of newly created Meigs County would be held in the home of John Stuart until other arrangements could be made.
3. Private Acts of 1835-36, Chapter 49, provided that the County Court shall designate the house of James Lillard as the site of the County and Circuit Court until a seat of justice is selected and organized and these courts would be conducted under all the rights and privileges conferred upon the courts held at John Stuart's house.
4. Acts of 1835-36, Chapter 68, provided in this act that the Circuit Court be held at the house of

John Stewart until the County seat shall be established and a suitable courthouse built. All appeals from this court would be carried to Knoxville.

5. Acts of 1837-38, Chapter 116, placed Meigs County in the 3rd Judicial Circuit with Hamilton, McMinn, and Bradley Counties and scheduled the Court terms to start on the first Monday of January, May, and September, provided there would be no court between the next third Monday in April and the first Monday in September in Meigs County.
6. Acts of 1843-44, Chapter 161, changed court terms for some counties in the Third Circuit including Meigs which went to the fourth Monday in April, August, and December.
7. Acts of 1853-54, Chapter 111, altered the court terms for the Circuit Court in Meigs County to the fourth Monday in January, May, and September.
8. Acts of 1855-56, Chapter 156, changed the schedule of Circuit Court terms in Polk and Meigs Counties in the Third Circuit. Meigs terms would begin on the fourth Mondays in April, August, and December.
9. Acts of 1857-58, Chapter 98, reorganized Tennessee into 16 Judicial Circuits. The Fourth Circuit was made up of Bradley, Polk, Rhea, Hamilton, McMinn, and the Common Law Court at Chattanooga. Court would start in Decatur on the fourth Monday in April, August, and December.
10. Acts of 1865-66, Chapter 8, was a post Civil War Act designating that the Circuit Court at Decatur in Meigs County would be held on the first Monday in April, August, and December but the next Court would be on the fourth Monday in December, and then this schedule would prevail.
11. Acts of 1870, Chapter 31, established 15 Circuits for the State. The Fourth Circuit was composed on McMinn, Polk, Meigs, Bradley, Rhea, Hamilton, Marion, Sequatchie, Bledsoe, and the Special Court at Chattanooga.
12. Acts of 1870, Chapter 46, provided that the Circuit Court terms for Meigs County would start on the fourth Monday of April, August, and December.
13. Acts of 1870, Chapter 106, changed the terms of the Circuit Court in some counties of the Fourth Circuit including Meigs which was scheduled for the first Monday in February, June, and October.
14. Acts of 1883, Chapter 34, changed court terms for all the counties in the Fourth Judicial Circuit. Meigs County would start the terms of the Circuit Court on the fourth Monday of February, June, and October.
15. Acts of 1885 (Ex. Sess.), Chapter 20, set up 14 Judicial Circuits for the State assigning Bradley, Polk, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn, James, and Meigs to the Fourth Circuit. Court terms for Meigs would start in Decatur on the third Monday in March, July, and November. See *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
16. Acts of 1887, Chapter 13, changed the Circuit Court terms in Meigs County to the Second Monday in March and July, and the fourth Monday in October. Chancery and Circuit Courts would be held concurrently by the Judge of the 4th Judicial Circuit. This Act was repealed and the former methods restored by the Act following.
17. Acts of 1889, Chapter 13, repealed Chapter 13, Acts of 1887, above, and restored Meigs to the Fourth Circuit, changing court terms for the whole Circuit and placing the Chancery Courts in separate terms. Meigs would begin the Circuit Court terms on the fourth Monday in February, June, and October.
18. Acts of 1889, Chapter 35, created the 17th Judicial Circuit consisting of Bradley, James, McMinn, Monroe, Polk, and Meigs Counties. The court terms at Decatur would start on the third Monday in February, June and October. The Governor would appoint a Judge and an Attorney- General until the next general election when a judge and Attorney-General would be elected by the people.
19. Acts of 1899, Chapter 427, reorganized the lower judicial structure of the State into 14 Judicial Circuits. The Fourth was composed of the Counties of Bradley, Polk, McMinn, James, Loudon, Roane, Blount, Monroe, and Meigs whose court terms would begin on the fourth Monday in January, May, and September.
20. Acts of 1901, Chapter 413, changed the times for Circuit Court in the 17th and the 4th Judicial Circuit consisting of the same counties mentioned in Item 18, above, but changing Meigs Court dates to the first Monday in March, July, and November.
21. Acts of 1903, Chapter 354, amended Chapter 413, Acts of 1901, above, by rearranging the starting dates of all the court terms, assigning Meigs County to the fourth Monday in February, June, and October.
22. Private Acts of 1911, Chapter 401, again changed the starting dates for the Circuit Courts in

Loudon, James, and Meigs Counties. Meigs County term would commence on Tuesday after the fourth Monday in February, June, and October.

23. Private Acts of 1915, Chapter 8, amended Chapter 401, Acts of 1911, above, by changing the opening dates of the Circuit Court in Meigs County to the fourth Monday in February, June, and October.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, changed the entire lower court system for the State, dividing it into twenty Judicial Circuits. Meigs was in the 18th Circuit with Franklin, Bledsoe, Sequatchie, Marion, Grundy, and Rhea Counties, and court terms would begin in Decatur on the fourth Monday in March, July, and November.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Meigs 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 general statewide salary law but affected only Circuit Court Clerks over the State. Counties having a population of 15,000 or under, would pay their Circuit Court Clerks \$500 annually under certain conditions of filing sworn itemized statements of fees collected in the office.
2. Private Acts of 1905, Chapter 104, amended Chapter 255, Acts of 1903, above, by setting the salary of the Circuit Court Clerk in Meigs County at \$300 annually under the same conditions of filing fee reports. This Act was repealed by Chapter 331, Private Acts of 1913.
3. Private Acts of 1905, Chapter 219, amended the State Law so as to provide that in Meigs County the Register should be the ex-officio Clerk of the Circuit and Criminal Courts, perform their duties, and receive their salaries and fees while doing so. The Register would include these fees in his report as though they were the fees of his office when reporting to the Judge or Chairman of the County Court. This Act would take effect on September 1, 1906, unless a vacancy occurred sooner than that date.
4. Private Acts of 1911, Chapter 76, amended Section One, Chapter 219, Private Acts of 1905, by changing the population figures therein to 6,150 and 6,100 from 7,500 and 7,450, and the census year from 1900 to 1910 so as to make that act still applicable to Meigs County.
5. Private Acts of 1913, Chapter 331, specifically and entirely repeals Chapter 104, Private Acts of 1905.
6. Private Acts of 1921, Chapter 230, fixed the salary of the Circuit Court Clerk of Meigs County at \$750 a year, provided he would file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected by his office. If the fees were less than the salary, the county would pay the difference but if they were more than the salary, the Clerk could retain the excess.

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

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

1. Public Acts of 1967, Chapter 82, created the office of an additional Assistant District Attorney General for the Eighteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 192, created two Criminal Investigators for the Eighteenth Judicial Circuit.
3. Public Acts of 1976, Chapter 561, created an additional office of full-time Assistant District Attorney General for the 18th Judicial Circuit.

### **Secretarial Assistance**

The following act are is longer in effect but is listed here for historical purposes.

1. Public Acts of 1963, Chapter 248, created the position of Junior Judge in the 18th Circuit. Under Section 8 of this Act the new judge was authorized to hire a stenographer at a salary of \$100 per month. This section of the act has been superseded by the above provisions of the Tennessee Code Annotated.

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