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# Court System - Historical Notes

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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<b>Court System - Historical Notes .....</b>	<b>3</b>
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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 DeKalb County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 605, was the first act creating a Board of Jury Commissioners for DeKalb County. A three member Board would be appointed by the Circuit Judge for a one year term. The Board would select jurors from the tax books of the county.
2. Private Acts of 1919, Chapter 800, set the compensation of jurors at \$2.50 per day. This was amended by Private Acts of 1921, Chapter 340, to raise the compensation of jurors to \$3 per day plus mileage at the rate of \$.05 per mile.
3. Private Acts of 1921, Chapter 366, provided that the Quarterly County Court would appoint the jurors to serve at the next succeeding Court.
4. Private Acts of 1923, Chapter 218, created a Board of Jury Commissioners for DeKalb County. A three member Board would be appointed by the Circuit Judge for a two year term.
5. Private Acts of 1925, Chapter 171, provided that the County Court would appoint the jurors who served in Circuit Court and that no person could be appointed who had served in the past two years.
6. Private Acts of 1925, Chapter 641, exempted DeKalb County from the general law provision regarding the appointment of grand jury foremen by Criminal and Circuit Judges having criminal jurisdiction.
7. Private Acts of 1927, Chapter 200, provided that the Circuit Court Clerk would select the names from each civil district from which the names would be drawn by a blindfolded person to form the necessary jurors.
8. Private Acts of 1931 (Ex. Sess.), Chapter 69, set the daily compensation of jurors at two dollars per day served.
9. Private Acts of 1933, Chapter 575, authorized the County Judge to appoint a three member Jury Commission who would supervise the selection of jurors in DeKalb County for a period of two years. This was repealed by Private Acts of 1941, Chapter 534.
10. Private Acts of 1941, Chapter 533, created a three member Board of Jury Commissioners, appointed by the County Judge, to hold office for two years. The Board would select from the tax rolls, five men, one from each civil district in the county. A child would draw from the selected names 40 names to serve as jurors. This Act was of questionable validity as DeKalb County did not fall into the enumerated population class. However, the Act was attributed to DeKalb County.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in DeKalb 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 1839-40, Chapter 2, in establishing DeKalb County attached the county to the Chancery district composed of Smith County. The court would be held at Carthage.
2. Acts of 1839-40, Chapter 66, Section 2, provided that the citizens of DeKalb County could file their bills in chancery or be sued in the Chancery Courts at Carthage or McMinville.
3. Acts of 1843-44, Chapter 151, established a Chancery Court in DeKalb County which would be held in the court house in Smithville on the third Mondays of March and September.
4. Acts of 1853-54, Chapter 123, set the term of the DeKalb County Chancery Court for the fourth Monday in March and September, at Smithville.
5. Acts of 1857-58, Chapter 88, set the times for holding Chancery Courts throughout the State. In the Fourth Division, which contained DeKalb County, court would be held on Thursdays after the third Monday of March and September, at Smithville.
6. Acts of 1859-60, Chapter 116, changed the time for holding Chancery Court at Smithville to the third Mondays in March and September.
7. Acts of 1885 (Ex. Sess.), Chapter 20, placed DeKalb County in the Fifth Chancery Division and set the dates for holding court on the third Mondays in February and August.

8. Acts of 1891 (Ex. Sess.), Chapter 11, changed the time for holding Chancery Court in the Fifth Chancery Division. DeKalb County would hold court on the first Tuesday after the second Mondays in February and August.
9. Acts of 1897, Chapter 294, changed the time of holding Chancery Court to the second Monday after the fourth Monday in April and October.
10. Acts of 1903, Chapter 97, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County, which was now in the Fourth Division, would hold court on the second Monday in May and fourth Monday in November.
11. Acts of 1905, Chapter 120, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County remained on the second Monday in May and fourth Monday in November.
12. Acts of 1911, Chapter 507, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County remained on the second Monday in May and the fourth Monday in November.

### **Chancery Court - Clerk and Master**

The reference below contains an act which once applied to the clerk and master in DeKalb County.

1. Private Acts of 1917, Chapter 590, set the salary of the Clerk and Master at \$1,000 per year with the provision that if the fees of his office did not amount to this sum, the county would pay the difference. If the fees exceeded the salary, they would be retained by the Clerk and Master.

### **Circuit Court**

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

1. Acts of 1837-38, Chapter 116, set the time of holding Circuit Court in DeKalb County on the second Mondays of April, August and December. DeKalb County was made a part of the Thirteenth Circuit.
2. Acts of 1839-40, Chapter 2, which re-enacted the establishment of DeKalb County, placed DeKalb County in the 13th Judicial Circuit which would hold court on the first Mondays of January, May and September.
3. Acts of 1839-40, Chapter 21, attached DeKalb County to the Fourth Judicial Circuit, with court to be held on the second Mondays in April, August and December.
4. Acts of 1841-42, Chapter 8, provided that Circuit Court in DeKalb County be held on the first Mondays in April, August and December.
5. Acts of 1845-46, Chapter 82, changed the time for holding Circuit Court to the first Mondays in February, June and October.
6. Acts of 1849-50, Chapter 213, provided that the Circuit Court in DeKalb County be held on the third Mondays in April, August and December. The Circuit Court would be held by the Judge of the Criminal Court of Davidson County. DeKalb County would remain part of the 4th Solicitorial District.
7. Acts of 1851-52, Chapter 40, provided that the Judge of the Fourth Judicial Circuit rather than the Judge of the Criminal Court of Davidson County should conduct Circuit Court in DeKalb County.
8. Acts of 1872 (Ex. Sess.), Chapter 15, set the time for holding court in DeKalb County on the second Mondays of March, July and November. DeKalb County was now part of the Fifth Judicial Circuit.
9. Acts of 1877, Chapter 116, changed the time of the November term of Circuit Court from the second Monday to the first Monday of that month.
10. Acts of 1879, Chapter 130, set the time for holding Circuit Court of DeKalb County on the second Mondays of March, July and November.
11. Acts of 1885 (Ex. Sess.), Chapter 20, placed DeKalb County in the Sixth Judicial Circuit, with court to meet on the first Tuesdays after the second Mondays in March, July and November. This was amended by Acts of 1887, Chapter 8, to provide that Circuit Court meet on the third Mondays in March, July and November.
12. Acts of 1889, Chapter 214, changed the time for holding Circuit Court in DeKalb County to the second Monday in March and November.

13. Acts of 1891, Chapter 208, set the meeting time of Circuit Court on the second Mondays of March, July and November, so as to provide for three Circuit Courts in DeKalb County.
14. Acts of 1895, Chapter 97, changed the time for holding Circuit Court to the third Mondays in March, July and November.
15. Acts of 1903, Chapter 580, provided that Circuit Court in DeKalb County was to be held on the first Tuesdays after the second Mondays in March, July and November. DeKalb County was now part of the Seventh Judicial Circuit.
16. Acts of 1905, Chapter 269, set the time for Circuit Court meeting on the first Tuesdays after the second Mondays in April, August and November.

#### **Circuit Court - Clerk**

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

1. Acts of 1911, Chapter 626, set the salary of the Circuit Court Clerk at \$1,000 per year with the County to pay the difference between this sum and a lesser amount collected in fees. Any fees in excess of the salary could be retained by the Clerk.
2. Private Acts of 1927, Chapter 691, provided that the Circuit Court Clerk receive all the fees from their office with additional compensation from the County, if necessary, to make a total of \$1,000 per year. This Act was repealed by Private Acts of 1933, Chapter 273.

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

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

1. Public Acts of 1975, Chapter 221, Public Acts of 1976, Chapter 510, and Public Acts of 1978, Chapter 768, created additional positions for assistant district attorneys general and criminal investigators for the Seventh Judicial Circuit. DeKalb County is now part of the Thirteenth Judicial Circuit 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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