



November 23, 2024

Chapter V - Court System

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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Chapter V - Court System

Board of Jury Commissioner - Jurors

Grand Jury Clerk

Private Acts of 2004 Chapter 117

COMPILER'S NOTE: This Act may be superceded by Tennessee Code Annotated Section 22-2-101.

SECTION 1. (a) The legislative body of Maury County may by resolution authorize the foreman of the Grand Jury to appoint a part-time clerk of the Maury County Grand Jury to handle the administrative duties for such Grand Jury. The county legislative body is further authorized to compensate such clerk at a rate which is equal to the compensation paid to the guard of the Grand Jury.

(b) The clerk shall be appointed by and serve at the pleasure of the foreman of the Grand Jury. The duties of the clerk shall be established by the foreman and approved by the county legislative body. Provided, however, at no time shall the clerk be a part of nor be involved in the deliberations of the Grand Jury.

SECTION 2. Chapter 651 of the Private Acts of 1947, and any acts amendatory thereto, are repealed.

SECTION 3. All laws or parts of laws in conflict with this act are hereby repealed.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: May 6, 2004.

General Sessions Court

Private Acts of 1947 Chapter 254

SECTION 1. That there is hereby created and establish (sic) a Court in and for Maury County, Tennessee, which shall be designated "Court of General Sessions of Maury County, Tennessee". Said Court of General Sessions shall consist of two parts, one of which shall be known as "Court of General Sessions of Maury County, Tennessee, Part I", and the other shall be known as "Court of General Sessions of Maury County, Tennessee, Part II". General Sessions Court, Part I, shall sit at Columbia, Maury County, Tennessee, and General Sessions Court, Part II, shall sit at Mt. Pleasant, Maury County, Tennessee. A court room and adequate facilities for said Court shall be provided in the Courthouse at Columbia for General Sessions Court, Part I. A court room and adequate facilities for said Court shall be provided for at Mt. Pleasant, Maury County, Tennessee. It shall be the duty of the custodian of the courthouse at Columbia, Maury County, Tennessee, to provide a courtroom in said courthouse for General Sessions Court, Part I. It shall be the duty of the County Judge of Maury County, Tennessee, to make provisions for a courtroom in Mt. Pleasant, Tennessee, for General Sessions Court, Part II, and said County Judge is authorized to rent a courtroom at such place in Mt. Pleasant, Tennessee, which he deems suitable and pay out of the general funds of Maury County, Tennessee, such monthly rental therefor as he deems proper, but not to exceed Fifty (\$50.00) Dollars per month. It shall also be the duty of the County Judge to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of the General Sessions Court at Columbia and Mt. Pleasant, Tennessee, respectively, and the expense of same shall be paid out of the general funds of the County.

As amended by: Private Acts of 1949, Chapter 570

SECTION 2. That the Court of Geeral (sic) Sessions of Maury County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be co-extensive with Maury County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until the qualification of the Judges for said Court of General Sessions as hereinafter provided. The authority of said Justices of the Peace in their capacities as members of the Quarterly Court or in the performance of the rites of matrimony is in no way affected by this Act.

Provided, however, that the jurisdiction and powers of said Court shall extend to all claims and demands of whatsoever nature of \$1,000.00 or less in value.

As amended by: Private Acts of 1949, Chapter 570

SECTION 3. That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees fixed by law for the issuance of the warrant or writ, rendition of the judgement, docketing, and the fees of the officers for serving the process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay to the Clerk the fees fixed by law for the issuance and service thereof. Such payment make for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the service of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, the plaintiff, or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence and prosecute an action without making the advance payments above provided for by taking and subscribing to the oath provided by Section 9080 of the 1932 Code of Tennessee.

SECTION 4. That said Court shall be in session daily, except legal holidays, and each Saturday from and after 8 o'clock p.m. until 12 o'clock midnight for the examination and hearing of persons charged with any criminal offense, the taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment to jail, as required by law. General Sessions Court, Part I, shall likewise be in session on the First, Third, and Fifth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. General Sessions Court, Part II, shall likewise be in session on the Second and Fourth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. On the Sundays on which the General Sessions Court is being held by the Judge of General Sessions Court, Part II, that Judge shall hold said Court in Columbia, Tennessee.

SECTION 5. That the laws now regulating pleading and practice, stay of judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judges of said Court.

Any party may appeal from an adverse decision to the Circuit Court of Maury County, within a period of ten (10) days in all civil cases and two (2) days in all criminal cases upon complying with the law as now provided for appeals from Justices of the Peace Courts. Any appeal shall be heard de novo in the Circuit Court. If no appeal is taken within the time herein provided, then execution may issue.

As amended by: Private Acts of 1949, Chapter 570

SECTION 6. That the Judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. All process shall be returnable to a date not later than ten (10) days after the date of service of process in the case.

That cases shall be set in said Court for an hour certain, and the practice heretofore prevailing of allowing one hour for parties to appear in Courts of Justice of the Peace shall not apply in said Court of General Sessions.

As amended by: Private Acts of 1949, Chapter 570

SECTION 7. That the Court of General Sessions for Maury County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgement of such Court may be appealed to the Circuit Court of Maury County, where such appeal shall be tried by a Judge of such Court without a jury, unless the defendant demands a jury, and without indictment or presentment.

SECTION 8. That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury, and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 7 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant, _____, pleads _____ not guilty to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers.

SECTION 9. That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk, or the Judge, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

SECTION 10. That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of said Court. This provision shall in no way abridge the authority of the Sheriff to take bonds as now provided by law.

SECTION 11. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of officers for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justice of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the officers for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 12. That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the Civil Docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court and officers for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 9 of this Act.

SECTION 13. That the first Judge (sic) of said Court shall be residents of Maury County, Tennessee, more than twenty-one years of age, learned in the law, and shall be elected by the qualified voters of Maury County at the general election for County officers to be held on the First Thursday of August, 1948, and the persons elected as Judges of said office at said election to be held on the First Thursday of August, 1948, (sic) shall hold office from the first day of September, 1948, until the first day of September, 1950, and until their successors are elected and qualified. Their successors shall be elected by the qualified voters of Maury County at th (sic) election for County officers on the first Thursday of August, 1950, and these successors shall hold their (sic) office from the first day of September, 1950, until their successors have been elected and qualified.

Any person seeking election as Judge of the General Sessions Court of Maury County, Tennessee, shall designate in his or her qualifying petition to the election official whether he or she is a candidate for Judge of Part I or Part II of said Court. That candidate receiving the majority of votes shall be declared the duly elected Judge of the General Sessions Court of Maury County, Tennessee, to which ever (sic) part of said Court that he or she has designated that they are a candidate for in the qualifying petition.

Their successors shall be elected every eight (8) years thereafter, it being the intent of the Legislature that the term of office commencing September 1, 1950, and thereafter shall be for a term of eight (8) years.

The oath of office shall be the same as that prescribed for Circuit Judges and Chancellors and shall be taken and filed in the same manner with the same officers as that prescribed for Circuit Judges and Chancellors.

Any person who is appointed to or elected to said office shall qualify within thirty (30) days after such person has been certified in the manner required by law as the person appointed or elected, and in the event of the failure of such person to so qualify, then the Governor of Tennessee shall appoint a person to fill the vacancy thereby created. In the event a vacancy in the office of Judge occurs that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of such Judge is elected and qualified. Provided however that when from any cause either of the Judges of said Court fails to attend, or if in attendance can not properly preside in a cause or causes pending in said Court, or is unable to hold Court, a special Judge shall be elected, preside, and adjudicate in accordance with the provisions contained in Section 9919, 9920, and 9921 of Williams Tennessee Code of 1934. Provided that in the event of a temporary disability on the part of a Judge of said Court, he is hereby authorized to appoint a member of the bar with the qualifications of a judge to hold the Court in his stead for a period not exceeding three days at

any stated time, provided that not more than two such appointments each month shall be made.

As amended by: Private Acts of 1949, Chapter 570
Private Acts of 1951, Chapter 98

SECTION 14. That the compensation of each of said Judges shall be \$3,600.00 for Judge of Part I and \$2,500.00 for Judge of Part II per annum, payable in equal monthly installments. It shall be paid out of the general funds of the County, and shall not be increased or diminished during the time for which said Judges are elected. Said Judges shall devote all their working time to the duties of their office, and if a lawyer, shall not engage in the practice of law during their tenure of office; provided, either may complete or finish any legal business undertaken before assuming the office.

The County Judge shall issue warrants drawn upon the Trustee for the payment of the salaries herein provided for. Provided the Judge of Part I of said Court from and after his election, qualification, and installation shall upon taking office on September first 1950, be paid an annual salary of \$4,200.00 in the same manner as hereinabove set forth. Provided that from and after the passage of this Act the Judge of Part II of said Court shall be prohibited from the practice of law in all Courts of Tennessee, and Maury County, including Federal Courts therein. Provided the Judge of Part II of said Court shall, upon taking office after his election, qualification, and installation on September first 1958, be paid the annual salary of Four Thousand Two Hundred (\$4,200.00) Dollars, in the same manner as herein above set out.

As amended by: Private Acts of 1949, Chapter 570
Private Acts of 1951, Chapter 98
Private Acts of 1955, Chapter 207
Private Acts of 1957, Chapter 139

COMPILER'S NOTE: The salaries of the Judges of the General Sessions Court are set forth in T.C.A. 16-15-5003

SECTION 15. That the Clerk of the Circuit Court of Maury County, Tennessee, shall be the Clerk of the General Sessions Court of Maury County, Tennessee, Part I and Part II and the records, journals and dockets for Part I and Part II of said Court shall be kept and maintained separately by said Clerk. The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, shall be allowed as compensation for serving as said Clerk the sum of \$1,800.00 per annum, payable in twelve (12) monthly installments out of the fees collected as herein provided for, and all fees in excess of said sum shall be paid to the Trustee of Maury County, Tennessee, as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part II shall be allowed as compensation for serving as Clerk of Part II of said Court the sum of \$1,200.00 per annum, payable in twelve monthly installments out of the fees collected by said Clerk of Part II of said Court as herein provided for, and all fees in excess of said sum shall be paid to the Trustee of Maury County as herein provided.

The Clerk of the Court of General Sessions of Maury County, Tennessee, Part II, shall be allowed as compensation for serving as clerk of Part II of said Court the sum of Two Thousand Three Hundred Dollars (\$2,300.00) per annum payable out of fees collected by the Clerk of said Part II of said Court as herein provided for, in twelve installments, and all fees in excess of said sum shall be paid over to the Trustee of Maury County, Tennessee as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, and the Clerk of the General Sessions Court of Maury County, Tennessee, Part II, shall each make a good and solvent bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful performance of their duties as such Clerk and for the payment as provided by law of all funds coming into their hands as such Clerk. These bonds shall be conditioned as is the bond of the County Court Clerk for the accounting of funds coming into his hand and shall be filed in the same manner and at the same place. No person shall enter upon the duties of office as such Clerk until he or she has qualified by taking the oath required of Circuit Court Clerks and by executing and filing of the bond herein required, and such bond shall not be considered sufficient until it is approved by the County Judge of Maury County, Tennessee.

As amended by: Private Acts of 1949, Chapter 345
Private Acts of 1953, Chapter 137
Private Acts of 1955, Chapter 207
Private Acts of 1970, Chapter 328.

SECTION 16. That all the fees, commissions and emoluments accruing under the provisions of this Act to the Clerk of said Court of General Sessions, Part I and Part II in the nature of court costs, after the payment of the compensation to said Clerk as hereinbefore provided, shall be paid monthly to the County Trustee of Maury County, Tennessee, and shall be deposited by said Trustee in the general fund of said County; and all fines collected shall be paid and accounted for as required by law. Payments shall be made to the Trustee not later than the 10th day of each month for the preceding month and the payment of fines collected shall be made as required by law. At the time of payment to the Trustee an itemized

statement certified by the Clerk and Judge of the Court shall be furnished to the County Judge of Maury County, Tennessee, and this statement shall show the names of all persons from whom costs or fines were collected and the amount collected from each person.

As amended by: Private Acts of 1953, Chapter 137
Private Acts of 1970, Chapter 328

SECTION 17. That the Clerks of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer.

SECTION 18. That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as heretofore provided by law.

The Judge of Part I of said General Sessions Court is hereby authorized to appoint one person to preserve order and wait on and serve the said Court, who shall receive as compensation for his services a sum in such amount as may be determined from time to time by the Maury County Legislative Body. per annum payable in equal monthly installments on the 1st day of each month upon a warrant drawn upon the County Trustee of Maury County. The Clerk of Part I of said Court shall certify to the County Judge of Maury County the name of the person serving as the Court Officer of said Court. The County Judge shall issue warrants upon the Trustee for said salary provided for herein.

As amended by: Private Acts of 1949, Chapter 345
Private Acts of 1953, Chapter 137
Private Acts of 1973, Chapter 66
Private Acts of 1979, Chapter 53
Private Acts of 1981, Chapter 17
Private Acts of 1988, Chapter 163

COMPILER'S NOTE: Private Acts of 1988, Chapter 163 amends Section 18 of Chapter 254 of the Private Acts of 1947 by inserting "a sum in such amount as may be determined from time to time by the Maury County Legislative Body." without deleting or creating a sentence beginning with "per annum payable".

SECTION 19. That the Judge of General Sessions Court, Part I, and the Judge of General Sessions Court, Part II, may preside by interchange, and the Chancellor may also so preside.

SECTION 20. That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace in Maury County to any unpaid fees, or funds in which he had right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 21. That all the official dockets, records and papers in cases that are undisposed of or pending in the office of Justices of the Peace of said County at the time of the qualification and induction into office of the first Judge of the Court of General Sessions, Part I and Part II, shall be delivered to the Court of General Sessions, Part I and Part II. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Maury County, as provided by law.

SECTION 22. That the Courts of General Sessions of Maury County, Tennessee, Part I and Part II, be and are hereby vested with full power to punish for contempt of their respective Courts in accordance with the provisions of Sections 10120 and 10121 of the Williams Annotated Code of 1932 of Tennessee.

SECTION 23. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Maury County as if such cases had originated in said Court of General Sessions.

SECTION 24. Effective September 1, 1982, in Maury County the juvenile court, as "juvenile court" is defined and used in Tennessee Code Annotated, Title 37, Chapter 2, and elsewhere in the law, shall be the Court of General Sessions, Part I and Part II. All juvenile jurisdiction and related powers previously vested in the county judge or in any other local official by general or local act is hereby transferred to and shall be exercised by the Maury County Court of General Sessions, Part I and Part II. The judge presiding over Part I of such court is hereby designated as the administrative head of the court for all matters relating to juveniles. The judge presiding over Part I of such court shall be learned in the law as evidenced by a license to practice law in the state of Tennessee. The Circuit Court Clerk of Maury County shall be the clerk of the general sessions court for all matters relating to juveniles. Venue shall lie with the Maury County sessions court located nearest to the geographical location of the act which gives rise to jurisdiction in any particular case.

SECTION 25. Effective September 1, 1982, whenever such venue properly lies in a court presided over by a judge who is not licensed to practice law in Tennessee such judge shall conduct a prehearing conference for the case if the child is alleged to have committed a "delinquent act" as defined in Tennessee Code Annotated, Section 37-202 (3), to determine whether a substantial likelihood exists that

such case may result in a finding of delinquency and disposition pursuant to Tennessee Code Annotated, Section 37-231 (3) and (4). If such conference results in a determination that a substantial likelihood exists that such case would not result in a finding of such delinquency and disposition, the juvenile court judge may proceed to dispose of such case. However, if such conference does result in a determination that a substantial likelihood exists that such case may result in a finding of such delinquency and disposition, then the juvenile court jurisdiction under Tennessee Code Annotated, Title 37, for such case shall be vested in the court of general sessions wherein the judge of such court is licensed to practice law.

SECTION 26. Effective September 1, 1982, any fees, fines, or court costs that may be generated as a result of the general sessions court exercising its juvenile jurisdiction shall be returned to a juvenile court fund with any excess remaining in the fund at the end of a fiscal year to be returned to the Circuit Court Clerk of Maury County.

SECTION 27. That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such constitutional or invalid portions elided therefrom.

SECTION 28. That all laws and parts of laws in conflict with this Act which apply to Maury County, Tennessee, be and the same are hereby repealed.

SECTION 29. That this Act shall take effect from and after August 1st, 1948, the public welfare requiring it.

COMPILER'S NOTE: Sections 24, 25, and 26 of the act were added by Private Acts of 1982, Chapter 252, and Sections 27, 28, and 29 were renumbered in accordance with the provisions of that act.

Passed: February 19, 1947.

Private Acts of 1953 Chapter 554

COMPILER'S NOTE: Private Acts of 1969, Chapter 151, amended Private Acts of 1953, Chapter 554, so that the words "Committing Judge" were changed to "Associate Judge" wherever they appeared.

SECTION 1. That there is hereby created and established the Office of Associate Judge for the Court of General Sessions of Maury County, Tennessee, Part I.

SECTION 2. That said Associate Judge shall have the same qualifications and be subject to the same limitations as to the practice of law now prescribed for the Judge of said Court of General Sessions, Part I.

SECTION 3. That said Associate Judge shall have the same power and authority and jurisdiction as the Judge of the Court of General Sessions of Maury County, Tennessee, Part I, except all appropriate administrative authority necessary for the functioning of the office, including but not limited to the administrative authority vested in the Judge of said Court prior to this amendment.

As amended by: Private Acts of 1969, Chapter 151

SECTION 4. [Repealed by Private Acts of 1969, Chapter 151]

SECTION 5. That the compensation of said Associate Judge shall be Four Thousand Two Hundred (\$4,200.00) Dollars per annum, payable in equal monthly installments and said compensation shall be paid out of the general funds of Maury County. The County Judge shall issue warrants drawn upon the Trustee for the payment of the salary herein provided for. Provided that the Associate Judge of said Court from and after his election, qualification, and installation; shall upon taking office September 1, 1958 be paid an annual salary of Four Thousand Eight Hundred Dollars (\$4800.00) in the same manner as herein above set forth.

SECTION 6. That said Associate Judge shall take the same oath of office as prescribed for said General Sessions Judge.

SECTION 7. That the Governor of Tennessee shall appoint the first Associate Judge provided for in this Act, who shall serve until the first day of September 1954, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of Maury County at the election for other officers of Maury County, Tennessee, on the First Thursday of August 1954, and shall hold said office from the first day of September, 1954 until the first day of September, 1958, or until his successor is qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of Inferior Courts.

In the event of a vacancy in the office of said Associate Judge, that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of said Associate Judge is elected and qualified.

SECTION 8. That this legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 9. That all laws in conflict with this Act which apply to Maury County, Tennessee, be and the same are hereby repealed.

SECTION 10. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1953.

Court System - Historical Notes

Board of Jury Commissioner - Jurors

The following acts once affected jurors or boards of jury commissioners in Maury County, but are no longer operative.

1. Acts of 1817, Chapter 128, permitted several counties, including Maury, to levy a tax through their respective county courts in order to pay jurors who attended the county and circuit courts.
2. Private Acts of 1819, Chapter 62, empowered the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint thirty-seven jurors to serve the county and circuit courts of their respective counties.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 45, was a comprehensive act that established a Board of Jury Commissioners for Maury County and set forth rules and procedures for the operation of the Board. The Circuit Court Clerk was to act as Clerk of the Board. The Board was to have three members elected by the Quarterly County Court for terms of three years. The Board would choose between 750 and 1,500 names of upright, intelligent men, known for their integrity, fair character, and sound judgment and would place those names on a jury list. The Clerk was to write each name on a slip of paper and place the slips in a jury box. Both the list and the box were to be maintained in secrecy. Each jury panel was to be selected by the Board arranging, prior to court session, for a child under ten years of age to draw names from the jury box. It was a misdemeanor for any person to solicit his name or another's name to be placed on the jury list. It was a misdemeanor for any sheriff, deputy, Board Clerk, or Board member to reveal the secrets of the Board or the names on the list. It was to be a contempt of court for anyone to tamper with the jury box. Commissioners were to receive \$3 per day while actually engaged in making lists or drawing jury panels. The Clerk would receive 1 1/2 cents per name written upon the list or slips of paper placed in the jury box.
4. Private Acts of 1915, Chapter 87, provided that every regular juror in Maury County would receive \$2 daily for attendance in court and that tales jurors would get the same amount for each day actually served as a juror.
5. Private Acts of 1935, Chapter 211, amended Private Acts of 1913 (1st Ex. Sess.), Chapter 45 to delete unclear language concerning disqualification of a juror if he had served as a juror within two years prior to his selection.
6. Private Acts of 1947, Chapter 651, fixed the compensation of the Grand Jury Foreman and Grand Jury Minute Clerk at \$6 per day each. All other jurors of both grand and petit juries were to be paid \$4 per day. The compensation was to be paid from the general funds of the County.
7. Private Acts of 1957, Chapter 55, amended Section 19 of Private Acts of 1913 (1st Ex. Sess.), Chapter 45 by increasing the Commissioners' daily compensation from \$3 to \$5.
8. Private Acts of 1959, Chapter 165, provided that the rate of pay of both grand and petit jurors in Maury County would be \$6 per day.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Maury 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 is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held 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 to continue for two weeks, six weeks in Nashville, unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, Section 8, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice a year. Maury County was served by the Court sitting in Columbia on the first Monday of March and September. Courts were also to be held at Greenville, Rogersville, Kingston, Franklin, McMinnville, Charlotte, Jackson, and Carthage.
3. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Maury County was in the Western Division and continued to be served by the Court sitting in Columbia. One chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
4. Public Acts of 1827, Chapter 88, declared that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience.
5. Public Acts of 1829, Chapter 103, allowed the two Chancellors of the State to adopt a set of rules to regulate practice in the Chancery Courts.
6. Public Acts of 1835-36, Chapter 4, created an additional Chancery Division to be the Middle Division and subdivided each of the three divisions into numerous districts. Maury County composed the entire Eleventh District of the new Middle Division. The court for the district was to be held in Columbia on the third Monday of March and September. The new Chancellor was to be appointed by the General Assembly for eight-year terms. The Chancellors were granted the authority to interchange among the several Chancery Courts of the State as necessary, to adopt a set of rules for practice in the courts which were to be revised every four years, and to appoint their respective Clerks and Masters for six year terms.
7. Acts of 1837-38, Chapter 116, changed the court terms for several Chancery Courts in the Eastern and Middle Division of the State but made no change in Maury County.
8. Acts of 1853-54, Chapter 55, set the time for holding the Chancery Court in Maury County as the third Monday in March and September.
9. Public Acts of 1857-58, Chapter 88, prescribed a schedule for the times and places of holding Chancery Courts across the State in all six Chancery Divisions. The time of meeting of the Chancery Court in Maury County remained the same, the third Monday of March and September. The Chancery Court in Columbia, a part of the Middle Division, served both Maury and Lewis Counties.
10. Public Acts of 1867-68, Chapter 64, set the time for holding Chancery Court in Columbia as the fourth Monday in March and September.
11. Public Acts of 1869-70 (2nd Sess.), Chapter 32, reorganized the state Chancery Courts into twelve districts each consisting of certain named counties. The Counties of Williamson, Maury, Marshall, and Giles, comprised the Eighth District.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 47, fixed the times for holding Chancery Court in the various divisions, setting the time in Maury County as the first Monday in June and the fourth Monday in November.
13. Public Acts of 1873, Chapter 92, changed the times for holding Chancery Court in Maury County to the second Monday in June and the second Monday in December.
14. Public Acts of 1875, Chapter 12, altered the beginning dates for the terms of Chancery Court in Maury County to the first Monday of April and October.
15. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower court system in the State. Eleven chancery divisions were formed. The Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton comprised the Seventh Chancery

Division. In Maury County, court was to be held on the first Monday in April and in October. Chancellors were to be elected. This act, and nearly every other organizational and jurisdictional act, were part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).

16. Public Acts of 1887, Chapter 5, changed some of the court terms in the Seventh Chancery Division but did not affect Maury County.
17. Public Acts of 1899, Chapter 427, organized the State into ten Chancery Divisions. Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Giles, Lewis, Wayne, and Maury Counties composed the Fifth Division. Court for Maury County would be held in Columbia on the third Monday in June and the first Monday in November.
18. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, reorganized the entire judicial structure of the state by dividing it into fourteen Chancery Divisions. The Fifth Chancery Division was made up of Rutherford, Marshall, Bedford, Moore, Lincoln, Giles, Lawrence, and Maury Counties. Chancery Court would be held in Columbia on the third Monday in April and October.
19. Private Acts of 1935, Chapter 499, gave the County Court of Maury County concurrent jurisdiction with the Chancery Courts of the State in all cases instituted for the sale or disposition of property of infants, lunatics, or other persons under disability.

Chancery Court - Clerk and Master

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

1. Private Acts of 1933, Chapter 494, fixed the maximum compensation of the Maury County Clerk and Master at \$2,500 per year.
2. Private Acts of 1943, Chapter 433, permitted the Clerk and Master of Maury County to appoint a deputy for one year at a time who would execute and file a bond of \$1,000 and receive a salary of \$900 yearly, payable at \$75 per month.
3. Private Acts of 1945, Chapter 324, amended the Private Acts of 1943, Chapter 433 by increasing the salary of the Deputy Clerk and Master to \$1,200 a year.

Circuit Court

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

1. Acts of 1817, Chapter 65, created a new Sixth Judicial Circuit composed of Lincoln, Giles, Bedford, Lawrence, and Maury Counties, the Judge of which would be appointed by the Legislature as soon as practical.
2. Acts of 1817, Chapter 138, provided that the Circuit Court terms in Maury County in the Sixth Judicial Circuit would begin on the third Monday in June and December.
3. Private Acts of 1821, Chapter 195, authorized the Judge of the Sixth Judicial Circuit to notify a Judge of another adjoining Circuit to attend and hold the Circuit Court for Maury County and in turn this Judge, whoever it might be, could require the Sixth Circuit Judge to sit for him to repay the time he spent in Maury County.
4. Public Acts of 1829, Chapter 25, Section 2, provided that the Circuit Court for Maury County would be held on the third Monday in April and October.
5. Public Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven Judicial Circuits. Courts would meet for three terms a year instead of two. The Eighth Judicial Circuit was composed of the Counties of Lincoln, Giles, Maury, and Lawrence. The Circuit Court in Maury County would convene on the first Monday in January and May and the fourth Monday in August.
6. Acts of 1837-38, Chapter 116, placed Maury County in the Eighth Judicial Circuit and set the time for beginning Circuit Court terms as the first Monday in January and May and the fourth Monday in August.
7. Acts of 1845-46, Chapter 39, set the times for beginning Circuit Court terms in the Eighth Judicial Circuit, then composed of Lewis, Hickman, Giles, Marshall, and Maury. The time for commencing Circuit Court in Maury County was unchanged.
8. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the State into sixteen Judicial Circuits. The Eleventh Judicial Circuit was composed of Marshall, Giles, Lewis, and Maury Counties. Circuit Court terms in Maury County remained unchanged.
9. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized all the Circuit Courts of the State into

- fifteen Judicial Circuits and one Special Circuit. Williamson, Marshall, Giles, Lawrence, and Maury were in the Ninth Circuit.
10. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting dates for the Circuit Court terms in Maury County as the first Monday in January, May, and September.
 11. Public Acts of 1879, Chapter 147, directed that Jno. V. Wright, of Maury County, be compensated in the amount of \$1,400 for his services as Circuit Court Judge in the Ninth Judicial Circuit performed while Judge W. P. Martin was disabled because of illness.
 12. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen regular and one special Judicial Circuit were established. Maury, Giles, Lawrence, Hickman, Wayne, Hardin, and Lewis, comprised the Ninth Circuit Court. Terms in Maury County were set to begin on the first Monday in January, May, and September.
 13. Public Acts of 1887, Chapter 54, set the times and places for holding Circuit Court in the Ninth Judicial Circuit. Circuit Court for Maury County was to be held in Columbia on the first Monday in January, May, and September.
 14. Public Acts of 1893, Chapter 10, changed the times for holding the Circuit Courts in the Ninth Judicial Circuit. Court in Maury County would begin the second Monday in January, May, and September, instead of the first Monday.
 15. Private Acts of 1897, Chapter 322, changed the times of commencing Maury County's Circuit Court terms to the second Monday in February and November and the third Monday in May.
 16. Public Acts of 1899, Chapter 427, reorganized the Circuit Courts into fourteen Judicial Circuits. The Eleventh Court was composed of Giles, Lawrence, Wayne, Lewis, Perry, Hickman, and Maury Counties. Circuit Court in Maury County would be held at Columbia on the second Monday in January, May, and September.
 17. Acts of 1901, Chapter 382, changed the times for holding Circuit Court in Maury County to the third Monday in February, the fourth Monday in May, and the second Monday in November.
 18. Acts of 1903, Chapter 18, fixed the Circuit Court terms in the Eleventh Judicial Circuit but did not change the dates for Maury County.
 19. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. Twenty Judicial Circuits were established. Maury County was in the Eleventh Circuit and terms were set to begin on the third Monday in February, the fourth Monday in May and the second Monday in November.
 20. Public Acts of 1968, Chapter 561, created the office of an additional circuit judge in the Eleventh Judicial Circuit.
 21. Public Acts of 1974, Chapter 711, created the office of an additional circuit judge in the Eleventh Judicial Circuit and set forth a procedure for determining who would hold the position of presiding judge if no judge was senior.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Maury County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1843-44, Chapter 89, required the Circuit Court Clerk of Maury County and other listed counties to examine the books of the Entry Takers of the respective counties and report to the state comptroller on the first Monday in September, annually. The act amended Acts of 1841-42, Chapter 34, which was the general law accepting the agency conferred upon Tennessee by Congress to administer the opening up and entry upon the land of west Tennessee. The Entry takers were to receive the monies for the land and keep the related records and the circuit court clerks were to oversee and examine the records.
2. Private Acts of 1921, Chapter 448, allowed the Circuit Court Clerk of Maury County a salary of \$2,000 per year provided the Clerk filed a report with the County Judge showing the total amount of fees collected by his office for the year. If the fees totaled less than the salary, the County would supply the difference; if more than the salary, the clerk could retain the excess amount.
3. Private Acts of 1933, Chapter 504, set the maximum compensation for the Maury County Circuit Court Clerk at \$2,000 annually.
4. Private Acts of 1941, Chapter 82, proposed that the Circuit Court Clerk of the counties within stated population figures receive \$50 per month for clerical assistance but the population figures cited do not include any county. Maury County apparently was the intended County of reference.

5. Private Acts of 1945, Chapter 44, gave the Circuit Court Clerk authority to appoint a deputy clerk for one year at a time who would execute a bond for \$1,000 and be paid a salary of \$1,200 yearly in monthly installments.

Criminal Court

The following acts once pertained to the Maury County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1871, Chapter 73, created a Criminal Court in Maury County and empowered it with the exclusive jurisdiction within the County then held by the Circuit Court for the trial and presentment of crimes and offenses against the State. The Clerk of the Circuit Court was to be the Clerk for the Criminal Court as well. The judge was to be elected and the Court terms were to be held on the first Monday in March, July, and November.
2. Public Acts of 1877, Chapter 143, repealed Public Acts of 1871, Chapter 73 and returned criminal case jurisdiction to the Circuit Court.
3. Public Acts of 1883, Chapter 235, permitted the Judge of the Circuit Court in Maury County to select the time for taking up the criminal docket and repealed the part of Public Acts of 1877, Chapter 143, which set a specific time for the Court to hear criminal matters.
4. Public Acts of 1899, Chapter 376, created a Criminal Court for Maury County with jurisdiction to try all misdemeanors and offenses against the State up to and including petit larceny, to the exclusion of the Circuit Court in the County. The Judge for the Criminal Court would be the County Judge and the prosecutor would be the County Attorney. The Criminal Court would hold twelve sessions per year beginning on the first Wednesday of each month.
5. Acts of 1903, Chapter 381, amended Public Acts of 1899, Chapter 376 to make the Circuit Court the appellate Court for the Criminal Court created by that act instead of the Supreme Court.
6. Acts of 1907, Chapter 229, amended Public Acts of 1899, Chapter 376, Section 2 by exempting violations of liquor and revenue laws from the jurisdiction of the Court.
7. Private Acts of 1911, Chapter 260, repealed Acts of 1907, Chapter 229.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the day for the term of the Maury County Criminal Court to begin on the first Wednesday in each month.
9. Private Acts of 1972, Chapter 303, abolished the Criminal Court of Maury County by repealing Public Acts of 1899, Chapter 376 and all its amendatory acts.

District Attorney General - Assistants and Criminal Investigators

The following act once affecting Maury County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1977, Chapter 368, authorized the District Attorney General of the Eleventh Judicial Circuit to appoint an additional full-time Assistant District Attorney.

General Sessions Court

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

1. Private Acts of 1951, Chapter 86, created the office of Committing Judge for the Court of General Sessions, Part I. The Judge would perform the duties assigned him by the Judge of General Sessions, Part I. He would have concurrent jurisdiction with such judge to, among other things, issue arrest warrants, fix and approve bonds, commit persons to jail, and arraign defendants. He could adjudicate cases when designated a Special Judge. The Judge was to receive compensation of \$3,600 per year and would be elected for eight-year terms.
2. Private Acts of 1951, Chapter 708, amended Private Acts of 1951, Chapter 86, by broadening the powers and responsibilities of the said Committing Judge by allowing him to enter judgments by default and approve consent agreements. In criminal cases, the Judge was allowed to enter guilty pleas and fix penalties.
3. Private Acts of 1953, Chapter 553, repealed Private Acts of 1951, Chapter 86, as amended.
4. Private Acts of 1955, Chapter 209, amended Private Acts of 1953, Chapter 554 by increasing the annual compensation of the Committing Judge to \$4,800. The act did not receive local approval and did not become effective.
5. Private Acts of 1955, Chapter 210, amended Private Acts of 1947, Chapter 254 by increasing the annual compensation of the Judge of General Session Court, Part I, to \$6,300 but the act did not

receive local approval and did not become effective.

6. Private Acts of 1957, Chapter 139, in addition to increasing the salary of the Judge of General Sessions, Part II, prohibited the Judge of General Sessions, Part II, if a lawyer, from engaging in the practice of law during his tenure.
7. Private Acts of 1963, Chapter 259, intended to amend the law by giving the Committing Judge the same powers, authority, and jurisdiction as the Judge of General Sessions Court, Part I, but the act misdated the chapter number of the act it intended to amend. The act did not receive local approval and did not become effective.

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