



December 20, 2024

---

# Chapter V - Court System

---

Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

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](http://www.ctas.tennessee.edu)

Table of Contents

<b>Chapter V - Court System .....</b>	<b>. 3</b>
<b>General Sessions Court .....</b>	<b>. 3</b>
<b>Private Acts of 1941 Chapter 393 .....</b>	<b>. 3</b>
<b>Clerking Duties When Exercising Juvenile Jurisdiction .....</b>	<b>. 5</b>
<b>Private Acts of 2000 Chapter 122 .....</b>	<b>. 5</b>
<b>Court System - Historical Notes .....</b>	<b>. 6</b>

# Chapter V - Court System

## General Sessions Court

### Private Acts of 1941 Chapter 393

**SECTION 1.** That there is hereby created and established a Court in and for Henderson County, Tennessee, which shall be designated "Court of General Sessions for Henderson County, Tennessee."

Court rooms and adequate facilities for said Court shall be provided in the Court House at Lexington; and it shall be the duty of the County Judge of Henderson County to make provisions therefor, and to provide necessary equipment for the proper maintenance of said Court; and the expenses of same shall be paid out of the General Fund of the County.

**SECTION 2.** That the Court of General Sessions of Henderson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon the Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be coextensive with Henderson County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until the election and qualification of a Judge for said Court of General Sessions as hereinafter provided. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rights of matrimony is in nowise affected by this Act.

**SECTION 3.** That before any commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees for the issuance of the warrant or writ, rendition of the judgment, docketing, and the fees of the officers for serving 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 for the issuance and service thereof. Such payment made for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the services 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 an action, who shall take and subscribe to the oath provided for poor persons, under the Section 9080 of the Code of Tennessee.

**SECTION 4.** That said Court shall be in session daily, except legal holidays, and each Saturday from after 7 o'clock P.M., until 10 o'clock P.M., 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.

**SECTION 5.** That the rules of pleadings and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

**SECTION 6.** That the Court of General Sessions of Henderson County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Henderson County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

**SECTION 7.** That it shall be the mandatory duty of the Judge 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 6 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ 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 a trial by a jury of his peers.

**SECTION 8.** That in all cases where defendants shall be bound over to the Grand Jury of Henderson County, Tennessee, by the Mayor or Judge of the City Court of Lexington, such defendants shall forthwith be brought before the Court of General Sessions upon any State's warrant outstanding, or any State's warrant or information filed against them, and there arraigned as if such cases originated in the Court of General Sessions as is provided for in Sections 6 and 7 of this Act.

**SECTION 9.** That no warrant or information charging a person with an offense against 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, showing the names of the person or person accused, the prosecutor, the officer to whom to be 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 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 of the Circuit Court. This provision shall in nowise 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 the Sheriff, his deputies, constables, Game Wardens, and State Highway Patrolmen 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 Court of Justices of the Peace.

All costs, fees, and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, Game Wardens and other 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, the Sheriff, his deputies, constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payment upon the judgment 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.

The Judge of the Court of General Sessions shall have the power to and may adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 13.** That there shall be a Judge for said Court, who shall be a person with all the qualifications and the same term of office as provided by the Constitution of the state of Tennessee for inferior courts; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1973, Chapter 115

**SECTION 14.** That the compensation of said Judge shall be Two Thousand Four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general fund of the County, and said salary shall not be diminished during the time for which said Judge is elected. Said Judge shall be permitted to practice law in the Chancery Courts and the County Courts of the State, provided such practice does not interfere with the duties of his office.

Commencing with the 1990 election, all general sessions court judges of Henderson County shall receive an annual cost of living increase equal to any annual cost of living increase received by Henderson County elected officials pursuant to Tennessee Code Annotated, Title 8, Chapter 24, Part 1.

As amended by: Private Acts of 1947, Chapter 141

Private Acts of 1990, Chapter 209

**SECTION 15.** That the first Judge to be elected under the provisions of this Act shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942, and shall take office September 1st, 1942, and shall serve for a period of eight years, and until his successor is elected and qualified as is provided by law for judges of inferior Courts. Said election shall be conducted in accordance with the general election laws of the State of Tennessee.

**SECTION 16.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold Court, a majority of the attorneys present in such Court may elect one of their

number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion, and the County Judge or Circuit Judge or Chancellor shall preside by interchange.

**SECTION 17.** That the Clerk of the Circuit Court of Henderson County, Tennessee, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Henderson County, Tennessee." Said Clerk is hereby authorized and directed to perform the duties of said Court, and shall receive as compensation therefor the sum of (\$1200.00) Twelve Hundred Dollars per annum, payable in equal monthly installments, the same to be paid out of the general fund of the County. Said salary of \$1200.00 to be in addition to the salary already paid him as Circuit Court Clerk for said County. The Judge of the County Court shall issue warrants drawn upon the Trustee for the payment of said salary as provided herein.

All fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court of General Sessions, in the nature of Court costs shall be paid monthly to the County Trustee of Henderson County, Tennessee, and shall be deposited by said Trustee in the general fund of said County.

The Clerk of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer. As amended by:

Private Acts of 1945, Chapter 6,  
Private Acts of 1953, Chapter 585.

**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.

**SECTION 19.** That this Act shall in nowise impair the right, title or interest of any Justices of the Peace of Henderson County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 20.** That all the official dockets, records and papers in cases that are undisposed of or pending in the offices of the 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 shall be delivered to the Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have completed shall be turned over to Henderson County, as provided by law.

**SECTION 21.** That said Court shall have authority to hear and determine all undisposed cases arising in the Courts of Justice of the Peace of Henderson County as if said cases had originated in said Court of General Sessions.

**SECTION 22.** That the Legislature expressly declares that each section, sub-section, 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 the 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 23.** That all laws and parts of laws in conflict with this Act which apply to Henderson County, Tennessee, be and the same are hereby repealed.

**SECTION 24.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1941.

## Clerking Duties When Exercising Juvenile Jurisdiction

### Private Acts of 2000 Chapter 122

**SECTION 1.** On July 1 next following local approval of this Act, the County Clerk of Henderson County shall cease to act as Clerk of the General Sessions Court of Henderson County when that court is exercising juvenile jurisdiction. From that date forward, the Circuit Court Clerk of Henderson County shall serve as Clerk of the Court of General Sessions in Henderson County when that court is exercising juvenile jurisdiction.

**SECTION 2.** All records of the General Sessions Court of Henderson County pertaining to its juvenile jurisdiction shall be transferred from the office and jurisdiction of the County Clerk of Henderson County to that of the Circuit Court Clerk of Henderson County during the period following the local approval of this Act, but prior to the first day that the Circuit Court Clerk of Henderson County assumes the duties of Clerk of the General Sessions Court when that court is exercising juvenile jurisdiction.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County

Legislative Body of Henderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body of Henderson County and certified by him or her to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 18, 2000.

## Court System - Historical Notes

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

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

1. Acts of 1903, Chapter 265, directed the Circuit Judge of Henderson County to appoint three Jury Commissioners from different localities within the county who were freeholders and citizens of the county, of good reputation and good moral habits and sound judgment, had no suit pending in the court and did not seek to be appointed. Not more than two could belong to the same political party. The Board would make out a list of 37 jurors, or more if ordered by the Court, who would be the jurors for the ensuing term of court. The Commissioners would be paid \$2 for each day served, and could be fined for refusing to serve once appointed. No one could be excused from duty except on order of the Judge.
2. Private Acts of 1921, Chapter 534, purported to exempt Henderson County from the requirements of Public Acts of 1919, Chapter 37, which concerned the appointment and term of the Foremen of the Grand Jury. The Tennessee Supreme Court declined to rule upon the constitutionality of this private act in *Roberts v. State*, 247 S.W. 102 (Tenn. 1923).
3. Private Acts of 1921, Chapter 615, created a Board of Jury Commissioners for Henderson County. This Board consisted of five members to be appointed by the Quarterly County Court for one-year terms. Members were required to be discreet persons who were house-holders or freeholders and residents of the county for at least three years prior to appointment, and not more than three could be members of the same political party. The Commissioners would be paid \$3 per day for each day spent in service. The Commissioners would select 37 jurors, or more if ordered by the Circuit Judge. The 37 jurors would constitute both Grand and petit jurors for that term. The County Judge would appoint the Foreman of the Grand Jury for a term of 2 years. The Foreman was to be paid \$4 a day for each day served, and would be the 13th member of the Grand Jury. This Act purported to repeal Public Acts of 1911, Chapter 115, and Public Acts of 1919, Chapter 37, as applied to Henderson County, the constitutionality of which the Tennessee Supreme Court declined to rule upon in *Roberts v. State*, 247 S.W. 102 (Tenn. 1923).
4. Private Acts of 1925, Chapter 528, created a Board of Jury Commissioners in Henderson County. The Circuit Court Judge was directed to appoint three Jury Commissioners from different sections of the County who were freeholders of sound judgment with good reputation and moral habits, with no suit pending in Circuit Court. The Board members would be paid \$2 per day of service. The Board would select 37 qualified jurors, or more if directed by the Judge, to serve as both grand and petit jurors at the next regular term of court. The Judge would appoint the Foreman of the Grand Jury who would be paid \$4 per day served. Failure to perform any duty imposed under the act was a misdemeanor punishable by a fine not less than \$20 and imprisonment not exceeding 3 months.
5. Private Acts of 1929, Chapter 601, created a Board of Jury Commissioners in Henderson County. The Circuit Judge was to appoint a Board of four persons who were householders and freeholders of the county and who were not practicing attorneys or county or State officials. The first Board members were to serve until September 1, 1930, when two would be appointed for two years, and two for four years, so that thereafter Jury Commissioners would serve a four-year term with two members being appointed every two years. Every two years, the Board was to meet and select from the Tax rolls or other public sources a list of qualified names equal to one-fifth of the votes cast in the last Presidential election, but not less than 300 or more than 2500, to be the petit jury list for the next two years. The Board then selected from this list a sufficient number of the most experienced, intelligent and upright men to serve as grand jurors. Names would be placed on cards or slips and placed into two locked and sealed boxes (the Grand Jury Box and the Petit Jury Box), from which the Judge would draw names at least 15 days before court. At least ten days before the beginning of court the names withdrawn would be given to the Sheriff for

- summons. Failure to attend and serve was a misdemeanor punishable by fine of \$25 to \$50.
6. Private Acts of 1931, Chapter 487, amended Private Acts of 1929, Chapter 601, to add a provision that if the required number of grand jurors could not be obtained from the Grand Jury Box, the names of the petit jurors in attendance in court could be placed in a hat and drawn one name at a time by a child under 12 years of age until a sufficient number of qualified grand jurors were empaneled. The act further provided that a Justice of the Peace could not serve as a Juror but could serve as the Foreman of the Grand Jury, and that in cases where a special panel had been demanded to try a case and a delay of trial would be occasioned, the Judge could order prospective jurors to be summoned instanter.
  7. Private Acts of 1945, Chapter 348, set the compensation of every regular juror in Henderson county at \$3 per day for each day served.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Henderson 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. Public Acts of 1822, Chapter 13, directed one of the judges of the Supreme Court of Errors and Appeals to hold an Equity Court with original chancery jurisdiction in each circuit where supreme courts were held, at least once each year, the places being Rogersville, Knoxville, Charlotte, Sparta, Columbia and Nashville. These Chancery Courts were to sit for two weeks if necessary, and in Nashville for six weeks if necessary.
2. Public Acts of 1824, Chapter 14, directed the justices of the supreme court to make arrangements among themselves to hold the Chancery Courts of Tennessee at least twice each year. Chancery Court was to be held at Jackson on the second Mondays in April and October for all counties west of the Tennessee River. All other counties were designated by name to be held at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia or Charlotte.
3. Public Acts of 1825, Chapter 32, directed the justices of the supreme court, by arrangement among themselves, to hold a Chancery Court at Paris for the counties of Henderson, Perry, Carroll, Henry, Weakley, Obion, Gibson and Dyer, on the third Mondays in April and October. The judges were directed to appoint a Clerk and Master for this new chancery court.
4. Public Acts of 1827, Chapter 60, set the dates for holding chancery court at Paris on the third Mondays in March and September.
5. Public Acts of 1827, Chapter 79, repealed prior laws giving original chancery jurisdiction to the judges of the supreme court of errors and appeals, and divided the State into two chancery divisions whose courts would be held by two Chancellors to be appointed by both Houses of the General Assembly. The Eastern Division would be composed of the chancery courts at Rogersville, Greeneville, Kingston, Carthage and M'Minnville, and the Western Division would be composed of the courts at Franklin, Columbia, Charlotte, Jackson and Paris. The Chancellors would be paid \$1,500 per year for their services.
6. Public Acts of 1827, Chapter 88, supplemented Public Acts of 1827, Chapter 79, declaring the chancellors to be chancellors of the State of Tennessee, and authorizing the chancellors to interchange with each other.
7. Public Acts of 1829, Chapter 52, placed Henderson and Perry Counties in the 8th Judicial Circuit. This act was amended by Public Acts of 1831, Chapter 48, to provide that the counties in the 8th Judicial Circuit would belong to the Chancery District Court held at Jackson.
8. Public Acts of 1829, Chapter 104, set the dates for holding district chancery court for the 8th circuit or district on the third Mondays in March and September.
9. Public Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions which were further divided into districts. Three Chancellors appointed by the General Assembly were to hold court in their divisions at least twice each year. Henderson County was placed in the Fourth District of the Western Division along with Perry County, and court was to be held in Lexington on the fourth Mondays in April and October. The Chancellors were directed to appoint clerks and masters for their divisions to serve six-year terms.
10. Acts of 1837-38, Chapter 14, formed one chancery district of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson and Madison in the Western Division. Court was to be held at Huntingdon in Carroll County on the first Mondays in February and August. The chancery courts at Lexington, Paris, Jackson, Dresden, Trenton, Bolivar and Clarksville were abolished.

11. Acts of 1839-40, Chapter 33, established a new Fourth Chancery Division, but Henderson County remained in the Western Division.
12. Acts of 1843-44, Chapter 182, established a chancery district composed of the counties of Henderson, Perry and McNairy. Court was to be held at Lexington by the chancellor of the Western Division on the first Mondays in May and November.
13. Acts of 1845-46, Chapter 124, set the dates for holding chancery court at Lexington on the first Monday in May and second Monday in December.
14. Acts of 1847-48, Chapter 198, set the dates for holding chancery court at Lexington on the second Mondays in June and December, beginning with the second term of court.
15. Acts of 1853-54, Chapter 54, established the Fifth and Sixth Chancery Divisions of the state. The Sixth Chancery Division consisted of the counties of Henderson, Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, McNairy, Hardin, Wayne and Lawrence.
16. Acts of 1855-56, Chapter 112, set the dates for holding Chancery Court in the Sixth Chancery Division. The court at Lexington in Henderson County would commence its terms on the second Mondays in February and August.
17. Public Acts of 1857-58, Chapter 88, set the dates for holding chancery court in the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The chancery court at Lexington in Henderson County would continue to be held on the second Mondays in February and August.
18. Public Acts of 1866-67, Chapter 4, set the dates for holding chancery courts in the 5th Chancery District (Henderson, Hickman, Dickson, Humphreys, McNairy, Hardin, Wayne, Lawrence, Decatur and Perry Counties). The chancery court at Lexington in Henderson County was to convene on the first Mondays in April and October.
19. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the State into twelve Chancery Districts. Henderson County was placed in the Ninth District, along with the counties of Benton, Hickman, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.

**COMPILER'S NOTE:** The twelve chancery "districts" created by Public Acts of 1869-70 (2nd Sess.), Chapter 32, were called "divisions" in subsequent legislation.

20. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the dates for holding chancery courts throughout the state. In the Ninth Division, the chancery court at Lexington in Henderson County was to begin on the fourth Mondays in February and August.
21. Public Acts of 1870-71, Chapter 10, set the dates for holding chancery courts in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to be held on the fourth Mondays in February and August.
22. Public Acts of 1873, Chapter 5, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County was to begin on the fourth Mondays in March and September.
23. Public Acts of 1879, Chapter 88, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to begin on the fourth Mondays in March and September.
24. Public Acts of 1881, Chapter 162, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to begin on the fourth Mondays in March and September.
25. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven chancery divisions. Henderson County was placed in the Ninth Chancery Division, along with the counties of Hardeman, McNairy, Chester, Madison, Crockett, Carroll and Henry. The chancery court in Henderson County would be held on the first Mondays in May and November.
26. Public Acts of 1887, Chapter 111, set the dates for holding chancery courts in the Ninth Chancery Division. Chancery court in Henderson County would begin on the first Mondays in April and October.
27. Public Acts of 1899, Chapter 427, divided the state into ten Chancery Divisions. Henderson County was placed in the Eighth Chancery Division, along with the counties of Decatur, Hardin, Chester, Benton, McNairy, Crockett, Carroll, Henry, Madison and Perry. Henderson County's chancery court would begin on the first Mondays in March and September.
28. Acts of 1903, Chapter 36, set the dates for holding court in the Eighth Chancery Division. Chancery court in Henderson County would begin on the first Mondays in April and October.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system in



Tennessee. Henderson County was placed in the Eighth Chancery Division, along with the counties of Carroll, Henry, McNairy, Crockett, Hardeman, Decatur, Hardin, Benton and Chester. Henderson County chancery court would be held on the first Mondays in April and October.

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

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

1. Acts of 1909, Chapter 476, set the salary of the Clerk and Master of Henderson County at \$750 per year. The Clerk and Master was required to file a sworn, itemized statement in January of each year with the County Judge or Chairman showing the total amount of fees collected during the preceding year. If the fees were less than \$750, the county paid the difference to the Clerk and Master; if the fees were more than \$750, the Clerk and Master could retain the excess.
2. Private Acts of 1911, Chapter 70, is virtually identical to Acts of 1909, Chapter 476, setting the annual salary of the Clerk and Master of Henderson County at \$750.
3. Private Acts of 1919, Chapter 664, amended Private Acts of 1911, Chapter 70, to increase the annual salary of the Clerk and Master of Henderson County from \$750 to \$1,200.
4. Private Acts of 1929, Chapter 419, amended Private Acts of 1911, Chapter 70, by adding a provision that the Clerk and Master was not required to include fees for processing delinquent tax suits in his sworn, itemized statement of fees collected. This Act was repealed by Private Acts of 1931, Chapter 436.
5. Private Acts of 1931, Chapter 436, repealed Private Acts of 1929, Chapter 419, in its entirety.
6. Private Acts of 1931, Chapter 437, amended Private Acts of 1911, Chapter 70, by adding a provision that the Clerk and Master was not required to include in his sworn, itemized statement of fees collected in his office fees for processing delinquent tax suits and fees for the court-ordered sale of lands.
7. Private Acts of 1933, Chapter 709, amended Private Acts of 1911, Chapter 70, to set the salary of the Clerk and Master of Henderson County at \$1,200 per year, with the Clerk and Master to file quarterly sworn, itemized statements of fees collected. If the fees for any quarter were less than \$300, the county made up the difference; however, if at the end of the year the total amount was in excess of \$1,200, the Clerk and Master was required to reimburse the County up to the amount paid to him in the previous quarter.

### **Circuit Court**

The following acts were once applicable to the circuit court of Henderson 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. Public Acts of 1821, Chapter 42, established the 8th Judicial Circuit composed of the counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry. All appeals would be heard by the courts of errors and appeals at Charlotte. Circuit Court in Henderson County would be held at Samuel Wilson's house on the second Mondays in April and October. Henderson, Madison and Shelby Counties were placed in the 14th Solicitorial District.
2. Public Acts of 1821, Chapter 52, authorized Joshua Haskell, Judge of the 8th Judicial Circuit, to take his oath of office before any Justice of the Peace in Rutherford County.
3. Public Acts of 1821, Chapter 65, provided that all appeals from circuit courts in the counties of Wayne, Hardin, Perry, Henderson, Madison and Shelby would be heard by the Supreme Court of Errors and Appeals at Columbia.
4. Public Acts of 1823, Chapter 11, established the 9th Judicial Circuit composed of the counties of Perry, Henderson, Carroll, Henry, and all new counties west of Carroll and Henry Counties which were to be organized. Appeals would be heard by the Courts of Errors and Appeals at Charlotte.
5. Public Acts of 1823, Chapter 41, scheduled the terms for the 8th and 9th Judicial Circuits. Circuit court in Henderson County would begin on the second Mondays in April and October.
6. Private Acts of 1825, Chapter 318, changed the dates for holding circuit court in Henderson County to the second Mondays in May and November.
7. Public Acts of 1826, Chapter 43, changed the dates for holding circuit court in Henderson County to the second Mondays in April and October.
8. Public Acts of 1829, Chapter 52, attached Henderson County and Perry County to the 8th Judicial Circuit.

9. Public Acts of 1835-36, Chapter 5, divided the state into eleven judicial circuits and placed Henderson County in the 10th Judicial Circuit along with the counties of Perry, Madison, Haywood, Tipton and Lauderdale. The act provided for three annual terms instead of two. The circuit court in Henderson County would begin its terms on the fourth Mondays in March, July and November. Circuit judges were authorized to sit by interchange with other circuits.
10. Acts of 1839-40, Chapter 21, set the dates for holding certain circuit courts in the state. Circuit court in Henderson County would begin on the fourth Mondays in March, July and November.
11. Public Acts of 1857-58, Chapter 98, reorganized the State into sixteen judicial circuits and placed Madison, Haywood and Henderson Counties in the 14th Judicial Circuit. The circuit court in Henderson County would continue to be held on the fourth Mondays in March, July and November.
12. Public Acts of 1861-62, Chapter 49, provided for two regular terms of circuit court per year in each county. Henderson County's terms were scheduled to begin on the first Mondays in May and November. The act also provided that judgments and decrees of courts of record would constitute a lien on the defendant's real property for two years after rendition of the judgment.
13. Public Acts of 1865, Chapter 37, changed the 11th, 12th and 14th Judicial Circuits, placing the counties of Wayne, Hickman, Perry, Decatur, Henderson, McNairy and Hardin in the 12th Judicial Circuit. Court would be held in Henderson County on the first Mondays in March, June and September.
14. Public Acts of 1865-66, Chapter 8, revived the 14th Judicial Circuit composed of the counties of Henderson, Madison and Haywood Counties, and added Hardeman County to the Circuit. The courts were to be held as previously provided by law.
15. Public Acts of 1865-66, Chapter 14, rescheduled the terms in the 14th Judicial Circuit. Circuit court in Henderson County would begin on the fourth Mondays in March, July and November.
16. Private Acts of 1865-66, Chapter 129, assigned the newly-formed Crockett County to the 14th Judicial Circuit.
17. Public Acts of 1867-68, Chapter 1, transferred Henderson County to the 13th Judicial Circuit.
18. Public Acts of 1867-68, Chapter 8, set the dates for holding circuit court in Henderson County on the third Mondays in February, June and October.
19. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen judicial circuits. Henderson County was placed in the 11th Judicial Circuit along with the counties of Wayne, Lewis, Hickman, Perry, Decatur, McNairy and Hardin.
20. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the dates for holding circuit courts throughout the State, with Henderson County to begin its terms on the third Mondays in February, June and October.
21. Public Acts of 1871, Chapter 17, changed the dates for holding circuit court in the 11th Judicial Circuit. Court in Henderson County would begin on the second Mondays in February, June and October.
22. Public Acts of 1871, Chapter 70, changed the dates for holding circuit court in the 11th Judicial Circuit. Henderson County would begin its terms on the fourth Mondays in February, June and October.
23. Public Acts of 1875, Chapter 18, changed the dates for holding circuit court in the in 11th Judicial Circuit. Henderson County would continue to hold court on the fourth Mondays in February, June and October.
24. Public Acts of 1881, Chapter 83, changed the dates for holding circuit court in the 11th Judicial Circuit. The circuit court at Lexington in Henderson County would be held on the second Mondays in March, July and November.
25. Public Acts of 1881 (Ex. Sess.), Chapter 2, changed the dates for holding circuit court in the 11th Judicial Circuit. Henderson County would continue to begin on the second Mondays in March, July and November.
26. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen judicial circuits. Henderson County was placed in the 11th Circuit along with the counties of McNairy, Chester, Madison, Decatur and Perry. Circuit court in Henderson County would begin on the third Mondays in April, August and December.
27. Public Acts of 1887, Chapter 94, added Benton County to the 11th Judicial Circuit, and changed the dates for holding circuit court in Henderson County to the second Mondays in March, July and November.

28. Public Acts of 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, transferring criminal jurisdiction from the circuit courts. All cases not heard and under advisement were to be transferred from the circuit courts to the new criminal courts. This Act was amended by Public Acts of 1895, Chapter 124. Both acts were repealed by Public Acts of 1899, Chapter 155.
29. Public Acts of 1899, Chapter 155, abolished the criminal courts in the 11th Judicial Circuit and repealed Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
30. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which had been transferred to the criminal courts in the 11th Judicial Circuit (except in Madison County, which would continue to be a part of the 11th Judicial Circuit for civil cases only). The Henderson County Circuit Court would begin on the second Mondays in March, July and November. Benton County was transferred out of the 11th Judicial Circuit.
31. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits, placing Henderson County in the 12th Judicial Circuit along with the counties of Hardeman, McNairy, Hardin, Chester, Decatur, and Madison. The circuit and criminal courts in Henderson County would begin on the third Mondays in February, June and October.
32. Acts of 1901, Chapter 325, added Perry County to the 12th Judicial Circuit.
33. Acts of 1903, Chapter 32, changed the dates for holding circuit court in Henderson County to the second Mondays in February, June and October.
34. Acts of 1905, Chapter 57, removed Hardeman, Madison (civil only) and McNairy Counties from the 12th Judicial Circuit.
35. Acts of 1905, Chapter 192, changed the dates for holding circuit court in the 12th Judicial Circuit. Henderson County circuit court would continue to be held on the second Mondays in February, June and October.
36. Acts of 1907, Chapter 338, changed the dates for holding circuit court in the 12th Judicial Circuit, which now contained the counties of Henderson, Madison, Chester, Decatur, Perry and Hardin. Henderson County courts would continue to be held on the second Mondays in February, June and October.
37. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, established twenty judicial circuits and placed Henderson County in the 12th Judicial Circuit along with the counties of Madison (criminal only), Chester, Decatur and Hardin. Henderson County Circuit Court would convene on the second Mondays in February, June and October.
38. Public Acts of 1974, Chapter 526, was a public act of local application which provided that the circuit court for the 12th Judicial Circuit (Henderson, Madison and Chester Counties) would be divided into two parts or divisions designated as Part I and Part II, with a Circuit Judge for each Part who could sit interchangeably in all counties. Circuit court in Henderson County was scheduled on the first Mondays in February, June and October.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Henderson 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. Public Acts of 1895, Chapter 46, which created a criminal court in the 11th Judicial Circuit, provided that the Circuit Court Clerk of each county in the circuit would also be the clerk of the criminal court. This act, as amended by Public Acts of 1895, Chapter 124, was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1897, Chapter 124, provided that the clerks of the circuit courts would no longer be allowed to keep all of the fees received by their offices, and instead would be paid a fixed salary based on the county population. This act was declared unconstitutional in *Weaver v. Davidson County*, 59 S.W. 1105 (Tenn. 1900).
3. Acts of 1903, Chapter 255, set the compensation of Circuit Court Clerks according to the population of the county in which he served. According to our census information for Henderson County, the Circuit Court Clerk would have received \$750 per year.
4. Private Acts of 1921, Chapter 704, provided that the Circuit Court Clerk of Henderson County would receive an annual salary of \$1,200. The Clerk was required to file with the County Judge or Chairman an itemized sworn statement of the total fees collected by the office. If the fees collected were less than \$1,200 the county would pay the difference. The Clerk was allowed to

keep all fees collected by him in excess of \$1,200.

5. Private Acts of 1933, Chapter 710, amended Private Acts of 1921, Chapter 704, to provide that the itemized sworn statement would be filed quarterly and if the fees were less than \$300 the county would make up the difference, but if the total amount paid by the county for the year was over \$1,200 the clerk was required to reimburse the County.
6. Private Acts of 1937, Chapter 822, amended Private Acts of 1933, Chapter 710, to increase the annual salary of the Circuit Court Clerk from \$1,200 to \$1,800, payable quarterly.
7. Private Acts of 1941, Chapter 393, required the Henderson County Circuit Court Clerk also to serve as the clerk of the newly-formed court of general sessions, with additional annual compensation of \$300.
8. Private Acts of 1945, Chapter 6, amended Private Acts of 1941, Chapter 393, to increase the additional annual compensation of the Clerk from \$300 to \$600.
9. Private Acts of 1947, Chapter 140, allowed the Circuit and General Sessions Court Clerk an additional \$75 per month for clerical assistance. This act was repealed by Private Acts of 1949, Chapter 888.
10. Private Acts of 1953, Chapter 585, amended Private Acts of 1945, Chapter 6, to increase the additional annual compensation for serving as General Sessions Court Clerk from \$600 to \$1,200.
11. Private Acts of 1957, Chapter 221, authorized the Circuit Court Clerk of Henderson County to hire an assistant at a salary not to exceed \$150 per month. Private Acts of 1970, Chapter 267, would have repealed this act but it failed to gain local approval. This act was repealed by Private Acts of 1980, Chapter 194.

### **Criminal Court**

The following acts once pertained to the Henderson 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 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, which included the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton. The Criminal Court in Henderson County was to hold three regular terms beginning on the third Mondays in April, August and December. The records of all criminal cases not heard and under advisement were to be transferred from circuit court to the new criminal court. The Governor would appoint a Judge to serve until September 1, 1896, when his elected successor would assume office. The Attorney General of the 11th Judicial Circuit would prosecute all cases in the name of the State, and the Circuit Court Clerk would serve as Clerk of the criminal court. This Act was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the dates for holding criminal court in the 11th Judicial Circuit. Henderson County would begin on the first Mondays in January, May and September. This Act was repealed by Public Acts of 1899, Chapter 155.
3. Public Acts of 1899, Chapter 155, abolished the separate criminal courts in the 11th Judicial Circuit, repealing Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
4. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which previously had been given to the criminal courts of the 11th Judicial Circuit.
5. Private Acts of 1977, Chapter 118, would have created the Office of Public Defender of Chester, Henderson and Madison Counties, which composed the 12th Judicial Circuit. Although the act received local approval in Henderson County, it was not acted upon in Chester County and was disapproved by the Quarterly County Court in Madison County, and therefore never went into effect.

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

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

1. Public Acts of 1835-36, Chapter 28, provided that each judicial circuit in the State of Tennessee would constitute one solicitorial district. The General Assembly would elect one Attorney General for each solicitorial district to attend to the business of the State in his district. The Attorneys General were directed to issue legal opinions without charging a fee upon request of a county official within their district.
2. Public Acts of 1899, Chapter 199, provided that the Attorney General of the criminal court of the 11th Judicial Circuit would be responsible for the circuit courts in the counties in the 11th Judicial Circuit, being the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.

3. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, to require the Attorney General of the 11th Judicial Circuit to perform the duties of that office in Henderson, McNairy, Chester, Perry, Decatur and Madison (including cases in the 18th Judicial Circuit) Counties. The Attorney General of the 12th Judicial Circuit would be responsible for Benton County.
4. Public Acts of 1974, Chapter 565, authorized the District Attorney General of the 12th Judicial Circuit to appoint an additional assistant district attorney general. This act was a public act of local application which was not codified in Tennessee Code Annotated. This act has been superseded by general law found at T.C.A. § 16-2-506.

### **General Sessions Court**

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

1. Private Acts of 1945, Chapter 6, amended Section 17 of the Private Acts of 1941, Chapter 393, to increase the salary of the Clerk of the Circuit Court in Henderson County for his duties as Clerk of the Court of General Sessions from \$300 to \$600 per year.
2. Private Acts of 1947, Chapter 140, allowed the Circuit and General Sessions Court Clerk an additional \$75 per month for clerical assistance. This act was repealed by Private Acts of 1949, Chapter 888.
3. Private Acts of 1955, Chapter 25, would have amended Private Acts of 1941, Chapter 393, to prohibit the Judge of the General Sessions Court for Henderson County from actively practicing law in the circuit or criminal courts of the State or in any court to which his decisions could be appealed, but this act failed to gain local approval and never went into effect.
4. Private Acts of 1972, Chapter 362, would have amended Private Acts of 1941, Chapter 393, to change the qualifications of the Judge of the General Sessions Court to be consistent with the Tennessee Constitutional provisions dealing with judges of inferior courts, but it was not acted upon by the Quarterly County Court.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, created the office of stenographer to the Chancellor of the 8th Chancery Division. The stenographer was appointed by the Chancellor and was paid \$720 per year.
2. Public Acts of 1949, Chapter 109, purported in its caption and preamble to amend Public Acts of 1939, Chapter 71, but the body of the act had no application to stenographers.

---

**Source URL:** <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-82>