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# Court System - Historical Notes

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

Sincerely,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Court System - Historical Notes

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

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

1. Public Acts of 1835-36, Chapter 6, directed the County Courts of each county to designate and cause to be summoned either 25 or 37 citizens of the county who were land owners and over 21 years of age to serve as jurors for circuit court, with one juror to be selected from each civil district if there were 25 civil districts in the county. Jurors were to be paid \$1 for each day of service.
2. Private Acts of 1947, Chapter 865, set the compensation of jurors in Lauderdale County at \$3 per day for each day of service.
3. Private Acts of 1957, Chapter 230, would have created a Board of Jury Commissioners for Lauderdale County, but this act was not approved by the quarterly county court and never became law.
4. Private Acts of 1959, Chapter 319, would have set the compensation of jurors on both grand and petit juries in Lauderdale County at \$7.50 per day for each day's attendance, with the Foreman of the Grand Jury to be paid \$10 daily. This act also would have repealed Private Acts of 1947, Chapter 865, but this act was not approved by the quarterly county court and never became law.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Lauderdale County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1835-36, Chapter 4, created three chancery divisions in Tennessee to be known as the Eastern, Middle and Western Divisions. The Western Division was composed of Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, Madison, Haywood, Tipton, Lauderdale, Fayette, Shelby, Henry, Hardeman and McNairy Counties. The chancery court for the counties of Lauderdale, Tipton and Haywood was designated the 6th District of the Western Division, to be held at Brownsville on the third Mondays in May and November.
2. Acts of 1853-54, Chapter 105, placed Lauderdale County in a separate chancery district with court to be held at Ripley on the first Mondays in January and July. The chancellor was to appoint a clerk and master.
3. Acts of 1855-56, Chapter 158, changed the dates for holding chancery court at Ripley to the second Mondays in June and December.
4. 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 terms of the chancery court at Ripley in Lauderdale County would begin on the first Thursday after the fourth Monday in May and on the first Thursday after the third Monday in November.
5. Public Acts of 1866-67, Chapter 33, set the dates for holding chancery court at Ripley in Lauderdale County on the first Monday after the fourth Monday in May and the fourth Monday in November.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into 12 chancery districts. Lauderdale County was in the 10th District along with Hardeman, Madison, Haywood, Tipton and Fayette Counties. The twelve chancery "districts" created by Public Acts of 1869-70 (2nd Sess.), Chapter 32, were referred to as "divisions" in subsequent legislation.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the dates for holding chancery court throughout the state. In the 10th Division, the chancery court in Lauderdale County would begin on the third Mondays in May and November.
8. Public Acts of 1879, Chapter 17, changed the dates for holding chancery court in Lauderdale County to the first Mondays in May and November.
9. Acts of 1885 (Ex. Sess.), Chapter 20, established chancery divisions, judicial circuits and special criminal circuits throughout the state. Lauderdale County remained in the 10th Chancery Division along with Fayette, Tipton, Haywood, Dyer, Obion, Weakley and Gibson Counties. Chancery court terms in Lauderdale County would begin on the first Mondays in March and September.

10. Public Acts of 1887, Chapter 17, changed the dates for holding chancery court in Lauderdale County to the first Mondays in June and December.
11. Public Acts of 1889, Chapter 23, changed dates for holding chancery courts in the 10th Division. The chancery court at Ripley in Lauderdale County would continue to be held on the first Mondays in June and December.
12. Public Acts of 1895, Chapter 99, changed the dates for holding chancery court in the 10th Division. Lauderdale County was changed to the second Mondays in June and December.
13. Public Acts of 1899, Chapter 427, reorganized the judicial circuits and chancery divisions of the state. Ten chancery divisions were established, and Lauderdale County was placed in the 9th Division along with Dyer, Obion, Lake, Weakley, Gibson, Fayette, Haywood, Tipton and Hardeman Counties. The chancery court terms in Lauderdale County would begin on the first Mondays in April and October.
14. Acts of 1903, Chapter 591, changed the court terms for the 9th Chancery Division. Lauderdale County was set on the third Mondays in May and November.
15. Public Acts of 1931 (2nd Ex.Sess.), Chapter 38, restructured the chancery divisions and judicial and criminal circuits, dividing the state into 13 chancery divisions. Lauderdale County remained in the 9th Division, with chancery court terms to begin on the third Mondays in May and November.
16. Public Acts of 1974, Chapter 547, provided for an additional Chancellor for the 9th Chancery Division, and divided the division into Part I and Part II. The Chancellor for Part II was designated the Senior or Presiding Chancellor. The additional Chancellor was allowed \$4,800 per year to employ secretarial assistance.
17. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, to provide that the Chancellor for Part I would preside over Fayette, Hardeman, Hardin, McNairy and Chester Counties, and the Chancellor for Part II would preside over Tipton, Lauderdale, Haywood and Crockett Counties. Part II would be held in Lauderdale County on the third Mondays in May and November.

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

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

1. Public Acts of 1897, Chapter 124, provided that the clerk and masters of the chancery courts would no longer be allowed to keep all of the fees received by their offices, and instead would be paid a fixed salary. Assuming that the population of Lauderdale County was just over 20,000, the Clerk and Master would have received \$1,800 annually. This act was declared unconstitutional in *Weaver v. Davidson County*, 59 S.W. 1105 (Tenn. 1900).
2. Public Acts of 1835-36, Chapter 4, placed Lauderdale, Tipton and Haywood Counties in the 6th District of the Western Division, with the Chancellor for the Western Division to appoint a Clerk and Master for the court at Brownsville, to serve a term of 6 years.
3. Acts of 1853-54, Chapter 105, placed Lauderdale County in a separate chancery district and directed the Chancellor for the western division to appoint a Clerk and Master at Ripley.
4. Private Acts of 1931, Chapter 488, fixed the salary of the Clerk and Master of Lauderdale County at \$2,400 annually, provided that he filed a sworn itemized statement with the Judge or Chairman of the County Court showing the total amount of fees paid into the office, less commissions or fees as receivers. If the fees were less than the salary, the county would make up the difference, but if the fees exceeded the salary, the Clerk and Master could retain the excess.

### **Circuit Court**

The following acts were once applicable to the circuit court of Lauderdale County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1835-36, Chapter 5, established eleven judicial circuits with one circuit judge in each circuit. Circuit court was to be held three times each year in each county. Lauderdale, Perry, Henderson, Madison, Haywood and Tipton Counties constituted the 10th Judicial Circuit. Circuit court in Lauderdale County was set on the third Mondays in February, June and October.
2. Acts of 1839-40, Chapter 21, changed the dates for holding certain circuit and chancery courts in the state. Circuit court in Lauderdale County would begin on the first Mondays in February, June and October.
3. Acts of 1841-42, Chapter 149, set the dates for holding circuit court in Lauderdale County on the first Mondays in February, June and October.

4. Acts of 1843-44, Chapter 155, changed the dates for holding certain circuit and chancery courts in the state. Circuit court in Lauderdale County would begin on the third Mondays in February, June and October.
5. Acts of 1855-56, Chapter 157, attached Lauderdale County to the 11th Judicial Circuit and provided that circuit court would begin on the third Mondays in March, July and November. This act was passed on February 14, 1856, and the portion of the act which attached Lauderdale County to the 11th Judicial Circuit was repealed on February 21, 1856, by Acts of 1855-56, Chapter 150.
6. Public Acts of 1857-58, Chapter 13, established a new 15th Judicial Circuit consisting of Gibson, Obion, Dyer and Lauderdale Counties. Court terms would begin in Lauderdale County on the third Mondays in April, August and December.
7. Public Acts of 1857-58, Chapter 21, set the dates for holding circuit court in Lauderdale County on the second Mondays in January, May and September, and directed the judges of the 9th and 10th Circuits to hold court in the counties in the new 15th Circuit until the judge of the 15th Circuit could be elected.
8. Public Acts of 1857-58, Chapter 98, divided the State into sixteen judicial circuits. Lauderdale County was placed in the 16th Judicial Circuit along with Dyer, Obion and Gibson Counties. Circuit court terms would begin in Lauderdale County on the third Mondays in January, May and September.
9. Private Acts of 1857-58, Chapter 82, set the dates for holding circuit court in Lauderdale County on the third Mondays in January, May and September.
10. Private Acts of 1859-60, Chapter 125, changed the dates for holding circuit court in Lauderdale County to the second Mondays in March, July and November.
11. Public Acts of 1867-68, Chapter 1, attached Lauderdale County to the 14th Judicial Circuit.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 31, established fifteen judicial circuits in the state. Lauderdale County was in the 14th Judicial Circuit along with Fayette, Tipton and Hardeman Counties, and the circuit court at Bartlett in Shelby County.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the dates for holding circuit courts across the state. Circuit court was to begin in Lauderdale County on the fourth Mondays in January, May and September.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen judicial circuits, as well as chancery divisions and criminal court circuits. Lauderdale County was placed in the 13th Judicial Circuit along with Dyer, Hardeman, Fayette, Tipton and Lake Counties. Court would begin in Lauderdale County on the first Tuesdays in March, July and November.
15. Public Acts of 1891, Chapter 179, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the times for holding circuit court in Lauderdale, Dyer and Tipton counties. Circuit court in Lauderdale County was changed to the second Tuesdays in March, July and November.
16. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits, as well as chancery divisions and special criminal circuits. Lauderdale County was placed in the 14th Judicial Circuit with Obion, Lake, Dyer, Tipton, Fayette and Weakley Counties. Lauderdale County circuit court would begin on the third Mondays in February, June and October.
17. Acts of 1905, Chapter 57, amended Public Acts of 1899, Chapter 427, to create a new 16th Judicial Circuit which comprised Lauderdale, Tipton, Fayette, Hardeman, McNairy and Madison Counties (criminal jurisdiction in Madison County remained in the 12th Judicial Circuit). Court terms would begin at Ripley in Lauderdale County on the second Mondays in April, August and December.
18. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the state into twenty judicial circuits, as well as chancery divisions and special criminal circuits. Lauderdale County remained in the 16th Judicial Circuit, along with Hardeman, McNairy, Madison, Tipton and Fayette Counties. Circuit court terms in Lauderdale County would begin on the first Mondays in February, June and October.

### **Circuit Court - Clerk**

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

1. Public Acts of 1897, Chapter 124, provided that the clerks of the circuit courts would no longer be allowed to keep the fees received by their offices, and instead would be paid a fixed salary based

upon the county population. The Circuit Court Clerk in Lauderdale County would have received \$1,500 annually, based upon the available population figures. This act was declared unconstitutional in Weaver v. Davidson Co., 59 S.W. 1105 (Tenn. 1900).

2. Acts of 1903, Chapter 255, set the salaries for circuit court clerks across the state according to population. The Circuit Court Clerk in Lauderdale County would have been paid \$1,000 annually. The clerks were required to file an itemized sworn statement of all fees received by their offices. If the fees were less than the salary the county would pay the difference, but if the fees exceeded the salary the clerk was allowed to retain the excess.
3. Private Acts of 1929, Chapter 239, set the salary of the Circuit Court Clerk of Lauderdale County at \$1,500 per year, with no other compensation. All fees collected by the office had to be turned over to the county by the first of each month.

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

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

1. Public Acts of 1857-58, Chapter 13, established the 15th Judicial Circuit consisting of Gibson, Obion, Dyer and Lauderdale Counties, and provided for the election of an Attorney for the State for the new judicial circuit.
2. Public Acts of 1973, Chapter 91, created the office of Assistant District Attorney for the 16th Judicial Circuit, consisting of the counties of Fayette, Hardeman, Lauderdale and Tipton, to be appointed by the District Attorney General. This act was superseded by Public Acts of 1984, Chapter 931, T.C.A. §§ 16-2-506 and 16-2-508.

### **General Sessions Court**

The following acts never received local approval, but are included herein as a reference to our readers.

1. Private Acts of 1993, Chapter 51, would have conferred domestic relations jurisdiction on the General Sessions Court of Lauderdale County.
2. Private Acts of 1993, Chapter 52, would have conferred probate jurisdiction on the General Sessions Court of Lauderdale County. This act failed to receive local approval.
3. Private Acts of 1994, Chapter 193, would have determined the salary of the general sessions judge according to county classifications in Tennessee Code Annotated.

### **Secretarial Assistance**

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

1. Public Acts of 1957, Chapter 150, set the salary of the stenographer to the Chancellor of the 9th Chancery Division at \$2,400 annually.
2. Public Acts of 1963, Chapter 309, increased the salary of the stenographer to the Chancellor of the 9th Chancery Division from \$2,400 to \$3,600 annually.
3. Public Acts of 1967, Chapter 137, increased the salary of the stenographer to the Chancellor of the 9th Chancery Division from \$3,600 to \$4,800 annually.

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