



County Technical Assistance Service
INSTITUTE for PUBLIC SERVICE

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Chapter V - Court System

Dear Reader:

The following document was created from the CTAS website (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,

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Chapter V - Court System

Circuit Court

Clerk

Private Acts of 1963 Chapter 184

SECTION 1. That in all counties of this state having a population of not less than 9,570 nor more than 9,575, such county may provide for compensating an assistant to the Circuit Court Clerk as follows:

In the event the Circuit Judge of such County, under the provisions of Sections 8-2001 et seq. of the Tennessee Code Annotated, enters an order allowing an Assistant to such Clerk and fixes the amount of the salary therefor, payment to such Assistant shall be made in equal monthly installments by warrants drawn on the County Trustee and signed by the County Judge or Chairman of the County Court from surplus fees and costs turned in to the County General Fund from the Circuit Court Clerk, over and above the salary allowed him by law. Provided, however, that if such surplus funds are not sufficient to pay such Assistant the amount fixed as his salary by the Circuit Judge as above provided, the same shall be supplemented to such extent from the general funds of the County and the County Court of such County shall appropriate sufficient funds therefor.

SECTION 2. That this Act shall have no effect unless the same be approved by a two-thirds (2/3) vote of the Quarterly County Court of any County to which this Act applies. The presiding officer of such body shall proclaim its approval or non-approval and certify the same to the Secretary of State.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1963.

General Sessions Court

Private Acts of 1987 Chapter 49

SECTION 1.

(a). Effective September 1, 1990, the compensation of the general sessions court judge of Lake County shall either be the amount established by Tennessee Code Annotated, Section 16-15-205 for general sessions judges of counties in the same class as Lake County or the amount established in Tennessee Code Annotated, 8-24-102, for clerks and county officers of counties in the same class as Lake County, whichever amount is higher.

(b). Effective September 1, 1990, the position of general sessions judge of Lake County shall be a full-time position.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified by him to the Secretary of State.

SECTION 3. 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 on September 1, 1990.

Passed: March 26, 1987.

Court System - Historical Notes

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Lake County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1870, Chapter 32, divided the State into 12 Chancery Districts. The 11th Chancery Division was composed of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll and Henry Counties.

2. Acts of 1870, Chapter 47, set the starting dates for the Chancery Court terms in the 11th Chancery Court Division and assigned the third Monday in April and October to Lake County.
3. Acts of 1870, Chapter 82, Section 5, changed the starting days for Chancery Court terms in the 11th Division again, this time setting the first Monday in January and July for Lake County's Court.
4. Acts of 1870-71 (3rd Ex. Sess.), Chapter 88, reset the days for court terms of the Chancery Courts of the 11th Division. The Lake County Chancery Court was switched to the fourth Monday in April and November for terms to start at the courthouse in Tiptonville.
5. Acts of 1872 (Ex. Sess.), Chapter 4, provided that the Chancery Court at Tiptonville would be held commencing on the fourth Monday in April and October instead of the fourth Monday in April and November, and all process was to be made returnable to those dates.
6. Acts of 1885 (Ex. Sess.), Chapter 20, was a state-wide act reorganizing the judicial structure of Tennessee. Lake County was not placed in any Chancery Division but the Act provided instead that Chancery Court would be held at the same time as Circuit Court was held in Lake County which was the second Tuesday in April, August, and December, as stated by this same law.
7. Acts of 1899, Chapter 427, created ten chancery divisions across the State. The Ninth was composed of Dyer, Obion, Lake, Weakley, Gibson, Fayette, Lauderdale, Haywood, Tipton, and Hardeman. Court started in Lake County on the first Monday in February and August.
8. Acts of 1903, Chapter 591, changed the chancery court terms for the entire Ninth Chancery Division. The terms in Lake County would begin in Tiptonville on the third Monday in April and October.
9. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged the entire judicial structure of Tennessee. Dyer, Fayette, Gibson, Haywood, Lauderdale, Obion, Tipton, Weakley, and Lake Counties composed the 9th of 14 Chancery Divisions. Court terms started in Lake County on the third Monday in April and October.
10. Public Acts of 1967, Chapter 320, amended T.C.A. 16-245 by changing all the court terms for the 9th Chancery Division. Section 2 created a new 16th Chancery Division containing Obion, Lake, and Weakley counties and provided for chancery court terms in Lake County to start on the first Monday in April and October.
11. Public Acts of 1968, Chapter 429, amended T.C.A. 16-253, as amended Public Acts of 1967, Chapter 320, above, by changing the starting dates of the court terms in Lake County to the first Monday in January, May, and September thus establishing three terms of Chancery Court instead of two.

Chancery Court - Clerk and Master

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

1. Private Acts of 1931, Chapter 253, provided for the compensation of Chancery Court Clerk and Masters. They would receive one thousand (\$1,000) dollars annually upon filing an itemized statement, sworn to, by the County Judge or Chairman.
2. Private Acts of 1945, Chapter 572, provided for the compensation of Chancery Court deputy clerk and masters. They would receive eighty-five (\$85) dollars per month out of the General funds of the County, by a warrant drawn by the County Judge or Chairman.

Circuit Court

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

1. Acts of 1870, Chapter 31, placed Lake County in the 12th Judicial Circuit with Benton, Henry, Weakley, Carroll, Etheridge, Obion, and the Special Court at Union City in Obion County. There were 15 Judicial Circuits in the State.
2. Acts of 1870, Chapter 46, provided that the Circuit Court of Lake County would be held on the first Monday of April, August, and December.
3. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into 14 Judicial Circuits. The 13th Circuit consisted of Hardeman, Fayette, Tipton, Lauderdale, Dyer, and Lake Counties. Court terms in Lake County would begin on the second Tuesday in April, August and December.
4. Acts of 1891, Chapter 153, took Lake County out of the 13th Judicial Circuit and placed it in the 12th whose Judge would also hold the Chancery Court in Lake County. Circuit Court terms at Tiptonville were scheduled to start on the second Monday in March, July and November.
5. Acts of 1899, Chapter 427, restructured the State into 14 Judicial Circuits with Obion, Lake, Dyer,

Lauderdale, Tipton, Fayette, and Weakley in the 14th. Court terms would start in Lake County on the fourth Monday in January, May, and September.

6. Acts of 1905, Chapter 304, changed the schedule of court terms in the 14th Judicial Circuit assigning Lake County to the first Monday in March, July, and November.
7. Acts of 1907, Chapter 485, amended Acts of 1905, Chapter 304, by rearranging starting dates for circuit court terms in the 14th Judicial Circuit. Lake County terms would now begin on the second Monday in March, July, and November instead of the first.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, revised the entire judicial structure of Tennessee. Twenty judicial circuits were created of which the 14th was composed of Lake, Obion, Benton, Dyer, and Weakley. Lake County court terms started on the second Monday in March, July, and November.
9. Public Acts of 1965, Chapter 204, amended T.C.A. 16-227 by scheduling new court times for the 14th Judicial Circuit. Lake County was moved to the second Monday in March, July, and November.
10. Public Acts of 1978, created the thirty-first judicial circuit consisting of the counties of Lake and Dyer.

Circuit Court - Clerk

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

1. Acts of 1897, Chapter 124, pegged the salaries of several County offices plus the Clerks of the Supreme Court according to population. This Act deprived these officials of their fees and established the salary provided in the law as their sole compensation. In counties under 20,000 population, the Clerk and Master, the County Court Clerk, the County Trustee, and the Sheriff would be paid \$1,000 annually while the Clerks of the Criminal and Circuit Courts, and the Register would get \$800. The County would furnish the official with the paper supplies necessary to operate their offices at no expense to them. The officials would file a sworn, itemized statement showing the fees collected by them and at no time would the salary exceed the fees being collected, the excess fees being ordered turned over to the County. They could appoint deputies, if justified, who would be paid out of the fees of the office at a salary schedule written out in the bill.
2. Acts of 1903, Chapter 255, involved the salaries of Circuit Court Clerks only but was a statewide law. This law actually reduced the salary of the Clerk, the Lake County Clerk being compensated at \$500 annually instead of \$800 according to the population but, if the fees were less than the salary, the county would supply the difference, and if they exceeded the salary, the clerk could retain them.
3. Acts of 1931, Chapter 295, recited in the preamble that the State Attorney General under Public Acts of 1925, Chapter 18, was authorized and directed to enter condemnation suits in Lake and Obion Counties for Reelfoot Lake Park and many suits had been filed, thus adding to the workload and responsibilities of the Circuit Court Clerk, wherefore the Attorney General could fix the compensation of the Clerks as he deemed right and just for these extra services the same to be considered as part of the costs of the litigation.
4. Private Acts of 1931, Chapter 345, increased the compensation of the Circuit Court Clerk of Lake County to \$720 a year payable monthly under the same terms and conditions as were written in that Act.
5. Private Acts of 1974, Chapter 378, amended Section 8-2405, Tennessee Code Annotated, by adding a provision to subsection (B), that the Circuit Court Clerk in Lake County (identified by the use of the 1970 Federal Census figures) who also served as the Clerk of the General Sessions Court and as the Clerk to the Jury Commission under the general law would be paid an annual salary as compensation for his services of not less than the maximum compensation being paid to the County Trustee.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1967, Chapter 254, created the position of criminal investigator for the Fourteenth Judicial Circuit.
2. Public Acts of 1971, Chapter 138, created the Office of Assistant District Attorney for the

Fourteenth Judicial Circuit.

3. Public Acts of 1973, Chapter 154, established an additional Assistant District Attorney.
4. Public Acts of 1976, Chapter 648, created the position of part-time assistant district attorney in the Fourteenth Circuit.
5. Public Acts of 1978, Chapter 859, authorized the District Attorney General for the thirtyfirst Judicial Circuit to appoint a full-time criminal investigator. This act was amended by Public Acts of 1982, Chapter 859 and Public Acts of 1983, Chapter 392.

General Sessions

The following acts once affected the general sessions court of Lake County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1974, Chapter 313, set the salary of the Lake County General Sessions Judge at \$7,200 per year.
2. Public Acts of 1974, Chapter 808, set the base salary of the Judge of the General Sessions Court in counties of the 8th Class at \$7,000, subject to be adjusted according to the Consumer Price Index on September 1, 1975.
3. Private Acts of 1995, Chapter 60, amended Private Acts of 1987, Chapter 49, by deleting subsection (b): Effective September 1, 1990, the position of General Sessions Judge of Lake County shall be a full-time position. This act was not adopted by the county legislative body of Lake County on October 10, 1995.

Juvenile Court

The following act once affecting juvenile courts in Lake County is included herein for reference purposes.

1. Private Acts of 1995, Chapter 105, created a juvenile court for Lake County, provided for the appointment of a judge, clerk, and necessary court personnel. No action was taken by the county legislative body at its October 16, 1995 meeting.

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 compensation of the stenographer to the Chancellor of the 9th Chancery Division at \$2,400 per annum.
2. Public Acts of 1963, Chapter 309, raised the salary of the Chancellor's stenographer to \$3,600 per annum.
3. Public Acts of 1963, Chapter 313, authorized the Judge of the Fourteenth Judicial Circuit, of which Lake County was then a part, to hire a stenographer at a salary of \$2,400 per annum.

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