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# Chapter V - Court System

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# Chapter V - Court System

## General Sessions Court

### Private Acts of 1989 Chapter 82

**SECTION 1.** Effective September 1, 1990, the General Sessions Court of Henry County is vested with all jurisdiction previously vested in the Juvenile and Probate Court of Henry County. Such jurisdictions shall each extend to all pending and prior cases in Juvenile and Probate Court. The juvenile and probate jurisdictions of the General Sessions Court shall each be the same jurisdiction as is exercised generally by courts in Tennessee having juvenile jurisdiction and such juvenile and probate jurisdictions shall each exist as modified, enlarged and reduced from time to time by general law. The rules of pleading and practice in the court shall be those rules of pleading and practice followed in courts exercising juvenile and probate jurisdiction, respectively, in Tennessee under general law and this court may establish local rules of practice not in conflict with general law or the provisions of this act. Effective September 1, 2010, all clerking responsibilities for probate jurisdiction formerly exercised by the County Clerk shall be transferred to the Clerk and Master and all clerking responsibilities for juvenile jurisdiction formerly exercised by the County Clerk shall be transferred to the Circuit Court Clerk, together with all of the respective records pertaining to such matters, and the County Clerk shall be relieved of any further clerking duties for such matters. Effective September 1, 2010, probate jurisdiction is transferred to Chancery Court, pursuant to Tennessee Code Annotated, § 16-16-291.

As amended by: Private Acts of 2010, Chapter 77

**SECTION 2.** The General Sessions Court of Henry County shall continue to exercise the jurisdiction conferred upon courts of general sessions by general law, as such jurisdiction may from time to time be modified, enlarged or reduced by general law. The Circuit Court Clerk of Henry County shall continue to exercise the responsibilities and duties of the Clerk of the General Sessions Court. The rules of pleading and practice shall continue to be those rules of pleading and practice followed in court of general sessions under general law and this court may establish local rules of practice not in conflict with general law or the provisions of this act.

**SECTION 3.** The General Sessions Court of Henry County shall have concurrent workers' compensation jurisdiction with the Chancery and Circuit Courts. All workers' compensation cases wherein the jurisdiction of the General Sessions Court is sought shall be filed with the Circuit Court Clerk. Workers' compensation cases in General Sessions Court shall be conducted according to the rules of practice and procedure provided in general law and subject to any local rules of practice in Circuit Court concerning workers' compensation cases. Assignment of workers' compensation cases for hearing shall be by agreement between the General Sessions Judge and the Circuit Judge pursuant to Tennessee Code Annotated, Section 16-15-5009(a). Nothing in this act shall be deemed to restrict the concurrent jurisdiction of the Circuit and Chancery Courts in workers' compensation cases under general law.

**SECTION 4.** The General Sessions Court of Henry County shall have concurrent domestic relations jurisdiction with the Chancery and Circuit Courts. All domestic relations cases wherein the jurisdiction of the General Sessions Court is sought shall be filed with the Clerk and Master of the Chancery Court. Domestic relations cases in General Sessions Court shall be conducted according to the rules of practice and procedure provided in general law and subject to any local rules of practice in Chancery Court concerning domestic relations cases. Assignment of domestic relations cases for hearing shall be by agreement between the General Sessions Judge and the Chancellor pursuant to Tennessee Code Annotated, Section 6-15-5009(a). Nothing in this act shall be deemed to restrict the concurrent jurisdiction of the Circuit and Chancery Courts in domestic relations cases under general law.

**SECTION 5.** The General Sessions Court Judge shall take office September 1, 1990, and shall be elected at the general election in August, 1990. The General Sessions Judge shall hold office for such term and subject to such conditions as apply to General Sessions Judges under general law. Additionally, subject to the provisions of Tennessee Code Annotated, Section 16-15-5005(a), the General Sessions Judge shall be a licensed attorney in good standing and a full-time judge, who shall not engage in the private practice of law.

**SECTION 6.** The compensation for the General Sessions Court Judge shall be seventy thousand dollars (\$70,000) per year, payable monthly, which compensation shall be subject to periodic adjustment according to the provisions of Tennessee Code Annotated, Section 16-15-5003(f). It is the expressed intention of this act to establish the compensation of the General Sessions Judge as if Henry County were a county of the third class, as defined in Tennessee Code Annotated, Section 16-15-5001, despite the fact

that Henry County may not meet the definition of a county of the third class on the basis of population.

**SECTION 7.** Chapter 116 of the Private Acts of 1981, Chapter 329 and 330 of the Private Acts of 1982, and Chapter 132 of the Private Acts of 1983, all establishing and modifying the Juvenile and Probate Court of Henry County, are repealed effective September 1, 1990. On September 1, 1990, all cases pending in the Juvenile and Probate Court are transferred to the jurisdiction of the General Sessions Court.

**SECTION 8.** The General Assembly expressly declares that each 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 effect the remainder of this act, but such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this act with such unconstitutional or invalid portion elided therefrom.

**SECTION 9.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henry County before September 1, 1989. Its approval or non-approval shall be proclaimed by the presiding officer of the Henry County legislative body and certified by such officer to the Secretary of State.

**SECTION 10.** 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 9.

Passed: May 4, 1989.

## Court System - Historical Notes

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

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

1. Private Acts of 1915, Chapter 136, provided that jurors in Henry County would receive \$2 per day. The act did not apply to jurors who were in the trial of cases under the officers and whose board is paid by the State and County.
2. Private Acts of 1921, Chapter 63, created a Board of Jury Commissioners for Henry County. The Board consisted of three discrete men, who had been residents of the County for at least three years and were not county officials or attorneys at law. The Commissioners were to be appointed by the Judge of the Circuit Court to serve for a two year term. Upon taking oath, the Commissioners at their first prescribed meeting would prepare a list containing 30 names of good and upright men to compile the jury list from which, the grand and petit jury of the Circuit Court would be selected. Failure of a Jury Commissioner to attend without a reasonable excuse was contempt and subject to punishment by fine and imprisonment. Any person directly or indirectly seeking to have his name placed on the jury list was in contempt of court and subject to punishment by fine and imprisonment. The jury list when completed and filed with the Circuit Court Clerk was to be kept secret, except as to the Sheriff who would issue the summons.
3. Private Acts of 1921, Chapter 869, provided that in Henry County the grand, petit and special jurors would receive \$3 per day as compensation for each day of service.
4. Private Acts of 1953, Chapter 345, amended Private Acts of 1921, Chapter 63, above, and increased the number of names to be placed on the jury list by the Jury Commissioners from 30 names to 45 names. The act also increased the number of names to be supplied by each of the Commissioners to the list from 10 to 15.
5. Private Acts of 1955, Chapter 344, set the compensation of the Foreman of the Grand Jury in Henry County at \$10 per day. The compensation would not be allowed except for days actually served in the performance of his duties. This act was not approved by local authorities and failed to become a law.
6. Private Acts of 1961, Chapter 159, set the compensation of the Foreman of the Grand Jury in Henry County at \$7 per day and for regular jurors \$6 per day plus mileage or ferriage at ten cents per mile. This act was properly ratified and would be effective except that T.C.A. 22-4-101 set a minimum per diem for jurors at \$10 per day and therefore supersedes this act. The mileage rates remained the same.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Henry 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. Public Acts of 1824, Chapter 14, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court twice a year. Henry County was served by the Court sitting in Jackson on the second Monday in April and October. Courts were also held at Greenville, Rogersville, Kingston, Franklin, McMinnville, Charlotte, Maury and Carthage.
2. Public Acts of 1825, Chapter 32, declared that the Judges of the Supreme Court shall arrange among themselves to hold a Chancery Court at the town of Paris in Henry County, for Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer Counties. Court was to be held twice a year on the third Monday in April and October. The Judges of the Supreme Court were to appoint a Clerk and Master for the Chancery Court as soon as convenient.
3. Public Acts of 1827, Chapter 60, changed the time for holding Chancery Court at Paris to the third Monday in March and September making all process returnable to those dates. The act also provided for the Supreme Court to sit at Reynoldsburgh on the third Monday in May.
4. 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. Henry County was in the Western Division and continued to be served by the Court sitting in Paris. One Chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
5. Public Acts of 1829, Chapter 104, changed the time of beginning terms of the Chancery Court of the Ninth District, which met at Paris in Henry County, to the fourth Monday in March and September.
6. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Henry County composed the Eighth District of the Western Division, the Court for which would be held in Paris on the third Monday of March and September.
7. Acts of 1837-38, Chapter 14, declared that Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson and Madison Counties would compose one Chancery Division in the Western Division. The Court would meet at Huntingdon on the first Monday in February and August. The act abolished the Chancery Courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville and required the Clerks and Masters of these abolished courts to turn over all their records and official papers respective to the new Clerk and Master.
8. Acts of 1837-38, Chapter 110, declared that the Counties of Weakley, Obion and Henry would compose one Chancery District in the Western Division. Court would meet at Dresden on the third Monday of February and August each year. The act provided for the Clerk and Master at Paris to transfer all the records in all the cases to the Dresden Clerk and Master.
9. Acts of 1837-38, Chapter 117, was a supplemental act to an uncited act regulating the Chancery Courts of the Western Division. The Clerks and Masters at Somerville, Huntingdon, Charlotte and Brownsville were not affected and were allowed to serve out the remainder of the terms.
10. Acts of 1845-46, Chapter 63, established a Chancery Court at Paris in Henry County, to be held in the courthouse on the first Monday in December and June of each year. The Chancellor of the Western Division would preside over the court and appoint a Clerk and Master. The act provided for all the suits pending in the Chancery Court at Dresden, which originated in Henry County, to be transferred to the Chancery Court at Paris at the election of the suing party.
11. Acts of 1845-46, Chapter 124, Section 6, directed the Chancellor of the Western Division to appoint a Clerk and Master for the Chancery Court at Paris, who would reside in Henry County.
12. Acts of 1855-56, Chapter 158, rearranged the starting dates for many of the Chancery Courts in the Western Division including Henry, the Court for which would begin on the first Monday in January and July.
13. Public Acts of 1857-58, Chapter 88, reorganized the entire lower judicial system in Tennessee. The State was separated into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. Henry County was assigned to the Western Division along with Weakley, Obion, Dyer, Madison, Haywood, Hardeman, Fayette, Tipton, Lauderdale, Gibson and Shelby Counties. Chancery Court for Henry County would begin on the first Monday of January and July at Paris.
14. Public Acts of 1865-66, Chapter 20, established a Ninth Chancery District in Tennessee comprised of Obion, Dyer, Gibson, Weakley, Henry, Carroll and Benton Counties. The Chancellor would hold

court in Henry County on the second Monday in March and September.

15. Public Acts of 1866-67, Chapter 25, changed the term for holding Chancery Court for the Ninth District. Henry County would be held on the third Monday in April and November at Paris.
16. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Eleventh District was composed of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll and Henry Counties.
17. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the starting dates for both terms of the Chancery Court in every county of the State. In Henry County the Chancery Court would meet on the third Monday in February and August. Henry County was a part of the Eleventh Division.
18. Public Acts of 1870-71, Chapter 88, changed the time for holding Chancery Court in the Eleventh Division. In Henry County the Chancery Court would meet at Paris on the second Monday in March and September.
19. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of Tennessee. The act created eleven Chancery Divisions of which the Ninth was made up of the Counties of Henry, Hardeman, McNairy, Chester, Madison, Crockett, Henderson and Carroll. Henry County would hold Court on the first Monday in June and December.
20. Public Acts of 1887, Chapter 111, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the terms for holding the Chancery Courts of the Ninth Chancery Division. The term of Court for Henry County remained the first Monday in June and December.
21. Public Acts of 1899, Chapter 297, changed the court terms for holding the Chancery Court in Henry County from the first Monday to the second Monday in June and December.
22. Public Acts of 1899, Chapter 427, divided the State of Tennessee into ten Chancery Divisions. Henry, Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Madison and Perry Counties composed the Eighth Chancery Division. In Henry, Chancery Court was held on the fourth Monday in March and September.
23. Acts of 1903, Chapter 36, changed the terms for holding Chancery Court in the Eighth Chancery Division. In Henry County, Chancery Court was held on the third Monday in February and August.
24. Private Acts of 1919, Chapter 39, changed the time for holding the Chancery Court in Henry County to the second Monday in April and October of each year.
25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire system of lower courts in the State. The act created fourteen Chancery Division. The Counties of Henry, Carroll, McNairy, Crockett, Hardeman, Henderson, Decatur, Hardin, Benton and Chester composed the Eighth Chancery Division. Court began in Henry County on the second Monday in April and October.

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

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

1. Private Acts of 1917, Chapter 327, established the eligibility of women in Henry County, who were over twenty-one years of age and who resided in the county, to be appointed as Deputies in the office of the Clerk and Master of the Chancery Court. As Deputy Clerks they serve with all the rights, powers, privileges and obligations of other Deputy clerks.
2. Private Acts of 1927, Chapter 643, permitted the Clerk and Master of Henry County to be paid \$2,400 a year provided the Clerk and Master file a sworn itemized statement on January 1 of each year with the County Judge or Chairman, showing the total amount of fees collected in that office during the preceding year. If the fees were less than the stated salary, the County paid the difference. If the fees collected exceed the salary set by the act, the Clerk and Master was allowed to retain the excess fees.
3. Private Acts of 1939, Chapter 209, directed that the Clerk and Master of Henry County be paid \$1,800 annually, payable in the monthly amount of \$150 on the warrant of the County Judge. If the salary and the fees collected by the office exceeded the maximum amount of salary provided, then the excess over said maximum shall be paid into the County Treasury. The Clerk and Master were required to keep accurate records of the fees collected by their office and make a report when and if requested by the County Judge or Chairman of the County.

### **Circuit Court**

The following acts were once applicable to the circuit court of Henry 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 Eighth Judicial Circuit for the State comprised of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry Counties. One Circuit Judge with the same powers and privileges and emoluments as other Circuit Judges, was to be elected by the General Assembly. Henry, Carroll and Humphreys Counties would comprise the Thirteenth Solicitorial District. A Solicitor would be elected to perform the duties of the district with the same powers as other Solicitors General of the State. Circuit Court for Henry County would be held on the fourth Monday of March and September at Henry Walls.
2. Private Acts of 1822, Chapter 157, changed the time for holding Circuit Court in Henry County to the first Monday in April and October of each year.
3. Public Acts of 1823, Chapter 11, created the Ninth Judicial Circuit of the State assigning Perry, Henderson, Carroll, Henry and all the Counties west of Carroll and Henry, as they were formed to this Circuit. The act provided for the General Assembly to elect a Judge for the new Circuit. Appeals from the Circuit Court would be heard in the Courts of Errors and Appeals at Charlotte.
4. Public Acts of 1823, Chapter 41, fixed the time for holding Circuit Court in the Eighth and Ninth Judicial Circuits. The time for holding Circuit Court in Henry County would be on the fourth Monday in April and October.
5. Private Acts of 1824, Chapter 102, changed the time for holding Circuit Court for some of the Counties in the Eighth and Ninth Judicial Circuits but did not change the time for Henry County.
6. Private Acts of 1825, Chapter 318, changed the dates for holding the Circuit Courts in the Eighth and Ninth Judicial Circuits. The time for holding Circuit Court in Henry County would be the fourth Monday in May and November.
7. Public Acts of 1826, Chapter 43, regulated the dates for Holding Circuit Court. The Circuit Court for Henry County was to be held on the fourth Monday in May and November for two weeks, or longer, if the business of the court required it.
8. Public Acts of 1835-36, Chapter 5, reorganized the lower court system of Tennessee into eleven Judicial Circuits and directed that the Circuit Courts hold three terms per year. The Ninth Judicial Circuit consisted of Henry Weakley, Obion, Dyer, Gibson, Carroll and Benton Counties. Circuit Court for Henry County would begin on the fourth Monday of January, May and September.
9. Acts of 1837-38, Chapter 116, rescheduled Circuit Court terms for the Counties in the Judicial Circuits of the State. Henry County was a part of the Ninth Circuit and Court there began on the third Monday in January, May and September.
10. Acts of 1845-46, Chapter 164, provided that a special term of the Circuit Court would be held in Paris in Henry County on the third Monday in March 1846 and continue until the business of the Court was completed.
11. Public Acts of 1857-58, Chapter 21, set the time for holding Circuit Court in Henry County to the fourth Monday in January, May and September.
12. Public Acts of 1857-58, Chapter 98, created sixteen Judicial Circuits for the State of Tennessee. The Thirteenth Judicial Circuit was composed of the Counties of Benton, Henry, Humphreys, Weakley and Carroll. The Circuit Court terms in Henry County would commence on the third Monday in January, May and September.
13. Private Acts of 1857-58, Chapter 93, repealed the Public Acts of 1857-58, Chapter 21, above, and changed the times for holding court in the Ninth Judicial Circuit. Circuit Court in Henry County would be held on the third Monday in January, May and September.
14. Public Acts of 1865-66, Chapter 10, changed the time for holding Circuit Courts for the counties in the Thirteenth Judicial Circuit consisting of Carroll, Henry, Benton, Weakley and Humphreys County. Court terms for Henry County remained on the third Monday in January, May, and September.
15. Public Acts of 1867-68, Chapter 8, altered the schedule for holding the Circuit Court in Henry County to the fourth Monday in January, May and September.
16. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen regular and one special Judicial Circuits. The Twelfth Judicial Circuit was composed of Benton, Henry, Weakley, Carroll, Etheridge, Obion and Lake Counties, and the special court at Union City, in Obion County.
17. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting date for holding Circuit Court terms for all the Counties in the State. The Court would be held in Henry County on the fourth Monday in January, May and September. Henry County comprised the Twelfth Judicial Circuit.
18. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special

Judicial Circuits. The Twelfth Judicial Circuit was composed of Obion Weakley, Henry, Carroll, Gibson, Crockett, Haywood and Benton Counties. The Circuit Court for Henry County was held on the fourth Monday in January, May and September.

19. Public Acts of 1887, Chapter 94, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the time for holding Circuit Court in the Twelfth Judicial Circuit. Henry County was to hold Court on the third Monday in January, May and September.
20. Public Acts of 1889, Chapter 15, set the times for holding the Circuit Court for the Counties in the Twelfth Judicial Circuit. The Counties included were Obion, Carroll Henry, Weakley, gibson, Trenton, Crockett, Haywood and Union City. The Circuit Court for Henry County would meet on the third Monday in January, May and September.
21. Public Acts of 1891, Chapter 153, added Lake County to the Twelfth Judicial Circuit and reaffirmed the term of the Circuit Court in Henry County to be the fourth Monday of January, May and September in Paris.
22. Public Acts of 1899, Chapter 427, reorganized the entire lower court system of the State into fourteen Judicial Circuits. The Thirteenth Judicial Circuit was composed of Crockett, Haywood, Benton, Carroll, Henry and Gibson Counties. Court terms for the Henry County Circuit Court was set at the second Monday in March, July and November.
23. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, established twenty Judicial Circuits for the State of Tennessee. The Thirteenth Judicial Circuit was composed of the Counties of Crockett, Haywood, Carroll, Henry and Gibson. The terms of the Circuit Court in Henry County would commence on the second Monday in March, July and November.
24. Public Acts of 1965, Chapter 204, established Judicial Circuits for the State of Tennessee, The Twelfth Judicial Circuit was composed of the Counties of the composition of the Circuit Court and times for holding the courts in the Twelfth and other Judicial Circuits. The act altered the term of the Circuit Court for Henry County to the second Monday in March, July and November. The act also created a new Judicial Circuit, known as the Twenty-second Judicial Circuit.
25. Public Acts of 1977, Chapter 199, Section 2, amended Section 16-226 of the Tennessee Code Annotated by deleting the word first and substituting in lieu thereof the word third and provided that the term or the circuit court would be the third Monday in January with recessed session of January term to begin third Monday in March; third Monday in May, with recessed session of May term to begin third Monday in July; third Monday in September, with recessed session of September term to begin third Monday in November.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, fixed the salaries of the Circuit Court Clerks of the State. The act required the Clerk to file with the County Judge a sworn, itemized statement showing all fees collected in the office during the year. If the fees failed to equal the specified salary, the county would pay the difference to the Clerk but if the fees were more than the salary, the Clerk was permitted to keep the excess. The annual salary of the Circuit Court Clerk of Henry County was set at \$1,000.
2. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, above, increasing the salary of the Circuit Court Clerk in Henry County to \$1,500 annually, if said County had a Law Court established in the County in addition to the Circuit Court and where a separate office is kept for such Law Court by the Circuit Court Clerk or his Deputy.
3. Private Acts of 1921, Chapter 21, provided that the salary of the Circuit Court Clerk in Henry County be \$1,500 annually. The act required the Clerk to file a sworn itemized statement with the County Judge or Chairman showing the amount of fees collected in the office. If the fees were less than the salary specified, the County would pay the Clerk the difference but if the fees exceeded the salary, the Circuit Court Clerk could retain the excess.
4. Private Acts of 1927, Chapter 567, increased the salary of the Circuit Court Clerk of Henry County to \$2,000 annually.
5. Private Acts of 1939, Chapter 210, provided that the annual salary of the Circuit Court Clerk of Henry County be \$1,500 plus all the fees earned by the office, payable at the rate of \$125 per month by the County Judge or Chairman. The act specified that if the fees and the salary exceeded the maximum salary amount for the Circuit Court Clerks set out in Tennessee Code Section 10727, the excess shall be paid into the County Treasury.



6. Private Acts of 1947, Chapter 281, amended Private Acts of 1939, Chapter 210, above, by increasing the annual salary of the Circuit Court Clerk to \$2,000, payable in monthly installments of \$166.66.

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

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

1. Public Acts of 1967, Chapter 181, created the office of the Criminal Investigator for the office of the District Attorney General for the Thirteenth Judicial Circuit. The District Attorney General would appoint a person over twenty-one years of age and experienced in investigation work to the position. The Criminal Investigator would investigate felonies, assist in the enforcement of the law and assist in carrying out the duties of the office of the District Attorney General. The Criminal Investigator would have the same authority and power as the Deputies or the County Sheriffs.
2. Public Acts of 1969, Chapter 167, created the office of Assistant District Attorney General for the Thirteenth Judicial Circuit, to be appointed by the District Attorney General for said Circuit. The appointee was required to be at least twenty-one years of age and licensed to practice law in Tennessee. The Assistant District Attorney would be compensated out of the treasury of the State and perform such duties and functions as assigned and directed by the District Attorney General.
3. Public Acts of 1972, Chapter 663, created an additional Assistant District Attorney General for the District Attorney General of the Thirteenth Judicial Circuit. The appointee would be a licensed attorney, compensated by the State and perform duties as assigned by the District Attorney General.
4. Public Acts of 1977, Chapter 371, created a third full time Assistant District Attorney General for the District Attorney General of the Thirteenth Judicial Circuit, to be appointed by the District Attorney General for said Circuit. The appointee would be a licensed attorney, receive compensation from the State and perform duties assigned by the District Attorney General.

### **General Sessions Court**

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

1. Private Acts of 1955, Chapter 77, created a Court of General Sessions in Henry County, to be located in the courthouse at Paris. The Court of General Sessions would be vested with all the civil and criminal jurisdiction once held by the Justices of the Peace, which authority would be divested out of said Justices. The Justices of the Peace would retain their power to issue criminal and search warrants, their authority as members of the Quarterly County Court and their authority to perform marriages. Rules and regulations for court procedures, including the hours of the court and the requirement that a defendant waive his right to a jury trial, were set out in the act. Separate civil and criminal dockets would be required to be kept. The Judge of the Court would be required to be an attorney and his salary, until September 1956, would be \$3,600 annually and \$5,000 thereafter. Hugh K. McClean would serve as the first Judge of the Court of General Sessions. Appeals from the Court would be to the Circuit Court of Henry County. The Clerk of the Circuit Court would serve and perform the duties of the Clerk of the Circuit Court and Court of General Sessions. The act was not approved by the Quarterly County Court and never became law.
2. Private Acts of 1959, Chapter 171, created a Court of General Sessions for Henry County in almost identical terms as those set out in Private Acts of 1955, Chapter 77, above, with the exception that no Judge was named, the Governor being given the authority to appoint the first Judge and the annual salary being \$6,000 a year. The act was not approved and it never became law.
3. Private Acts of 1973, Chapter 74, assigned the General Sessions Court in Henry County with the exclusive jurisdiction to try, hear and dispose of all matters and causes relating to juveniles and juvenile courts. All the jurisdiction and authority concerning juveniles was to be divested out of the County Judge. The General Sessions Judge would receive an additional \$2,200 for the performance of these extra duties. The Clerk of the Circuit Court would serve as Clerk of the Juvenile Court. This act was rejected by the Quarterly County Court of Henry County and failed to become law.
4. Private Acts of 1974, Chapter 277, was identical to Private Acts of 1973, Chapter 74, above, giving the jurisdiction over juvenile matters and cases to the General Sessions Judge and divesting the same out of the County Judge. This act was not approved at the local level and

never became law.

5. Private Acts of 1974, Chapter 296, assigned the exclusive jurisdiction to try, hear and dispose of all juvenile matters and cases with the General Sessions Judge of Henry County and divested same out of the County Judge. The Court of Appeals held that this act had not been properly ratified by the local legislative body and was therefore ineffective. See *Kesterson v. McKee*, 527 SW 145 (1975).

### **Juvenile Court**

The following acts once affecting juvenile courts in Henry County are included herein for reference purposes.

1. Private Acts of 1974, Chapter 296, authorized the Judge of the Court of General Sessions of Henry County to be vested with exclusive jurisdiction to try, hear and dispose of all matters and causes relating to juveniles and juvenile courts. The act provided that all authority and jurisdiction then vested in the County Judge of Henry County relating to juveniles and juvenile courts be transferred to the Judge of the Court of General Sessions. The Clerk of the Circuit Court was authorized to act as the Clerk of the Juvenile Court, relieving the County Court Clerk from any duties as they related to juvenile matters.
2. Private Acts of 1981, Chapter 116, created a Juvenile and Probate Court for Henry County. The presiding Judge was vested with the juvenile jurisdiction formerly vested in the County Judge of Henry County. The act appointed Marvin P. Morton to serve as Judge of the Juvenile and Probate Court until his successor was elected. Morton was to receive compensation in the amount of \$12,000 per year, payable in monthly installments from the Henry County general fund. The act provided that beginning with the regular August election in 1982 and every eight years thereafter, the August election in 1982 and every eight years thereafter, the voters of Henry County would elect a qualified person to serve as Judge of the Juvenile and Probate Court of Henry County. The person elected had to be licensed to practice law in this State and possess all other qualifications then required by law for inferior court judges to serve as Judge of the Juvenile and Probate Court of Henry County. The Judge was to serve an eight year term and receive \$12,000 per year as salary. The Henry County Clerk was to serve as the Clerk of the Juvenile and Probate Court and the Clerk's deputies would also be deputies for the Juvenile and Probate Court. The Judge was authorized to make regulations for the administration and operation for the court and pending business in the court exercising jurisdiction over Juvenile and Probate matters was to be vested in the Juvenile and Probate Court and official documents pertaining to these matters was to be transferred to the Clerk of the Juvenile and Probate Court.
3. Private Acts of 1982, Chapter 330, amended Private Acts of 1981, Chapter 116, above, by providing that beginning September 1, 1983 and each September 1 thereafter, the salary of the Juvenile and Probate Court Judge would be adjusted to reflect the percentage increase in the consumer price index. The amendment allowed the Judge to engage in private law practice during his tenure of office but it prohibited the Judge from practicing law in the Juvenile and Probate Court of Henry County or representing any party in any proceeding in the general sessions, circuit, criminal or appellate court which originated in the Juvenile and Probate Court.
4. Private Acts of 1983, Chapter 132, amended Private Acts of 1981, Chapter 116, above, by adding a provision that allowed a disqualified Judge of the Juvenile and Probate Court to interchange with any county or state judge or chancellor exercising comparable juvenile or probate jurisdiction or to interchange with the judge of any court of record.

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