



July 03, 2024

Chapter V - Court System

Dear Reader:

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

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

Sincerely,

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Chapter V - Court System

General Sessions Court

Clerk

Private Acts of 1961 Chapter 258

SECTION 1. That the Circuit Court Clerk of Humphreys County, Tennessee, shall be allowed the sum of Twelve Hundred Dollars (\$1200.00) per annum for his duties as Clerk of the Court of General Sessions of said County. Such sum shall be supplementary of and in addition to the amount allowed such clerk under the minimum state salary schedule as provided in Section 8-2405 [8-24-102] of the Tennessee Code Annotated for Circuit Court Clerks. Such additional sum for his duties as Clerk of the Court of General Sessions shall be paid by warrant of the Trustees from funds paid into the County from fines and costs collected by and through the said Court of General Sessions at the time and in the manner payment is made such clerk for his duties as Circuit Court Clerk under the provisions of the above said minimum salary Act. Provisions for payment of such additional amount is made pursuant to Section 16 of Chapter 109 of the Public Acts of 1959 creating such Court of General Sessions.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Humphreys County within sixty days after the approval of this Act by the Governor. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer thereof and shall be certified by him to the Secretary of State.

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

Passed: March 14, 1961.

Night Clerk

Private Acts of 1967-68 Chapter 148

SECTION 1. There is created the position of night clerk of the court of general sessions of Humphreys County. The judge of the court of general sessions is authorized to name some suitable person to the position, to serve at the pleasure of the judge, and whose compensation shall be not less than one hundred dollars (\$100) per month, payable out of the general funds of the county. The Judge of the court of general sessions shall fix the hours of work of the night clerk, whose duties shall be to issue warrants, mittimus, to take bail, and to perform such clerical duties as might be directed by the court.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds vote of the quarterly county court of Humphreys County at or before the next regular meeting of the court occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 9, 1967

Probate and Juvenile Court

Private Acts of 1981 Chapter 137

COMPILER'S NOTE: Private Acts of 2020, Chapter 44, repeals Private Acts of 1981, Chapter 137, effective on a vacancy in the office of the incumbent judge or at midnight on August 31, 2022, whichever occurs first.

SECTION 1. There is hereby created a probate and juvenile court in and for Humphreys County, Tennessee to be known as the "Probate and Juvenile Court of Humphreys County, Tennessee".

SECTION 2. Such court shall have jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in probate or juvenile courts by the general laws of the State of Tennessee, including, but not limited to the jurisdiction as now vested in the County Court of Humphreys County, Tennessee by the general laws of the state and those judicial powers vested in the County Judge of Humphreys County,

Tennessee by Chapter 162 of the Acts of 1887, and Chapter 405 of the Private Acts of 1935, and by Tennessee Code Annotated, Sections 16-16-107 through 16-16-119, inclusive; Tennessee Code Annotated, Title 30, Chapters 1 through 20, inclusive; Tennessee Code Annotated, Title 31, Chapters 1 through 8, inclusive; Tennessee Code Annotated, Title 32, Chapters 1 through 5, inclusive; Tennessee Code Annotated, Title 34, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 35, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 36, Chapters 1 through 13, inclusive; Tennessee Code Annotated, Title 37, Chapters 1 through 17, inclusive; all to the extent that under such laws the jurisdiction thereunder was vested heretofore in any juvenile court or any county court or any court exercising the jurisdiction thereof formerly known as a Quorum County Court or Monthly County Court.

SECTION 3. The Office of County Judge of Humphreys County, Tennessee as heretofore created by Chapter 162 of the Acts of 1887 is hereby divested of any and all judicial powers as therein created and to the extent thereof such former act is repealed.

SECTION 4. The County Clerk of Humphreys County, Tennessee shall act as the Clerk of the Probate and Juvenile Court of Humphreys County, Tennessee as herein established and when acting as clerk of such court, shall be designated as the "Clerk of the Probate and Juvenile Court of Humphreys County, Tennessee". Such clerk shall acquire and maintain a seal for the court containing the designation "Clerk of the Probate and Juvenile Court of Humphreys County, Tennessee" and such minute books and other necessary records for such court as shall be necessary and required. The clerk shall charge all fees and be entitled to receive such fees and charges as shall be fixed by the general laws of the State of Tennessee from time to time for any county, probate or juvenile court in the State of Tennessee, and which such fees when collected shall be accounted for and disbursed as all fees and charges are similarly done by such courts. The County Clerk shall be empowered to designate one or more persons employed by him as deputies from time to time to be a deputy clerk for the court herein created.

SECTION 5. The judge of the court herein created shall have all jurisdiction to punish for contempt and to issue extraordinary writs and processes as now or shall hereafter be exercised by any judge or chancellor or any circuit or chancery court of the State of Tennessee.

SECTION 6. Appeals from the court herein created, or any contests of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be to the Circuit Court of Humphreys County, Tennessee or such other court as may by the general laws of the state be from time to time provided, or to such appellate court of the State of Tennessee as may be from time to time provided by law, all according to the general laws of the State of Tennessee.

SECTION 7. If the judge of the court herein created shall fail to attend or cannot preside in any pending case, or for any other reason shall not be able to hold court, he may designate in writing some person otherwise qualified to hold such court in his place and stead or in default thereof a majority of the attorneys then present may elect one of their number who has the qualifications of such judge, and when such person shall have been so appointed or elected, he shall take the same oath and have the same authority as the regular judge of such court to hold court and perform all of the duties thereof for such occasion. In addition thereto the judge of the court herein created and the Judge of the Court of General Sessions of Humphreys County, Tennessee, shall be empowered from time to time to interchange one for the other to hold such respective courts, provided that such General Sessions Judge shall at the time hold such qualifications as are required of the judge of the court herein created and as herein prescribed.

SECTION 8. In case of a vacancy for any cause in the office of the judge of the court herein created, the same shall be filled by an election and appointment of the County Commission of Humphreys County, Tennessee or some person otherwise qualified to fill such vacancy and which such person when so elected and appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 9. The court herein created shall at all times be treated and considered as a court of record. That such court shall be in continuous session without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 10. There shall be one judge for the court herein created who shall be a duly licensed lawyer within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment and who shall otherwise have all the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges and who shall take the same oath that shall be required for other judges of the State of Tennessee.

SECTION 11. The compensation of the judge of the court herein created shall be in the same amount as

the salary or compensation of the Judge of the Court of General Sessions for Humphreys County, Tennessee, from time to time, and such salary or compensation shall be payable in equal monthly installments out of the General Fund of Humphreys County, Tennessee.

SECTION 12. The County Commission of Humphreys County, Tennessee shall annually appropriate from the General Fund of Humphreys County such funds as are necessary and appropriate for the orderly operation and administration of the court herein created.

SECTION 13. The County Commission of Humphreys County, Tennessee shall as of the effective date of this act, appoint, elect and name a qualified person to be the judge of the court herein created and which person when so named, appointed and elected shall hold such office until the 1st day of September 1982, next. That at the biennial August election held in August 1982 there shall be elected a judge for the court herein created for a term of eight (8) years beginning on September 1, 1982, next, and each eight (8) years thereafter at such biennial elections.

SECTION 14. This act shall not be construed to prohibit the judge of the court herein created from the private practice of law except that he shall be prohibited from practicing law in any matter over which the court herein created may exercise jurisdiction.

SECTION 15. The judge of the court herein created shall from time to time be authorized and empowered to adopt rules of practice and procedure for the court not otherwise inconsistent with the substantive and procedural laws of the State of Tennessee relative to matters within the jurisdiction of such judge, or that shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the court herein created.

SECTION 16. Every provision of this act is declared to be severable and should any portion of the same be held unconstitutional or invalid for any reason the same shall not affect the remainder of this act, it being the intent herein that such unconstitutionally declared portions shall be elided, and that the General Assembly declare that it would have thus enacted this act with such unconstitutional or invalid portions elided therefrom.

SECTION 17. This act shall not take effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Humphreys County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof.

SECTION 18. This act shall take effect, provided it shall have been approved as hereinbefore provided, upon the sooner occurrence of the following times, the public welfare requiring it.

(a) September 1, 1982, provided that for the purpose of filling the office of judge herein created by election of the people it shall be effective for purposes of candidates qualifying for election thereto as of the first day for qualifying as provided by the general election laws of the State of Tennessee; or

(b) Upon the death or resignation of the incumbent or vacancy otherwise occurring in the office of County Judge of Humphreys County, Tennessee as now exists pursuant to Chapter 162 of the Acts of the General Assembly of the State of Tennessee of 1887.

Passed: May 19, 1981.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1817, Chapter 128, was the authority for the justices of the counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson and Dickson at their first session in each year to lay a tax for the purpose of providing additional compensation of up to fifty cents per day to the jurors attending the county and circuit courts.
2. Private Acts of 1825, Chapter 279, stated that when any person in Humphreys County, Perry County or Roane County was summoned as a juror on the opposite side of the Tennessee or other river from which they lived, it would be the duty of the operators of any ferry where any of the jurors would necessarily cross the river for the purpose of attending the circuit or county court, to give them a certificate of the ferriage cost which could be filed with the County Trustee of the county for the purposes of reimbursement of these charges.
3. Private Acts of 1949, Chapter 198, fixed the pay of jurors serving on both the Grand Jury and the petit juries in Humphreys County at \$4 per day.

4. Private Acts of 1974, Chapter 256, amended Private Acts of 1949, Chapter 198, by adding a provision which set the compensation of the foreman of the grand jury in Humphreys County at \$25 per day.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Humphreys 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, required that the Judges of the Supreme Court of Errors and Appeals would hold a Chancery Court at least once each year in those places where the Supreme Court met. Court would open in Rogersville on the first Monday in November, at Knoxville on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January. All court terms would be for two weeks unless the dockets were completed sooner except for Nashville where they could be held for six weeks.
2. Public Acts of 1824, Chapter 14, established the meeting places for the Supreme Court of Errors and Appeals at Knoxville, Sparta and Nashville. The Court was expanded to five Judges and it was their duty to arrange among themselves to hold the Chancery Courts at least twice each year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Jackson, and at Charlotte for the Counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman on the third Monday in June and December.
3. Public Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions; the Eastern Division which included the courts at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western to which were assigned the courts at Franklin, Columbia, Charlotte, Jackson, and Paris. The justices of the Supreme Court were divested of original chancery jurisdiction, and two Chancellors would be appointed by the General Assembly to preside over these courts.
4. Public Acts of 1832, Chapter 21, Section 5, changed the Chancery Court terms for the Courts at Carthage and at Charlotte where the Chancery Court would hereafter meet on the third Monday in May and November.
5. Public Acts of 1835-36, Chapter 4, established three Chancery Divisions in Tennessee and, then further divided each Division into Districts, all pursuant to implementing the new 1834 Constitution. Dickson County, Hickman County, and Humphreys County would make up the 12th District of the Middle Division. Court terms would begin at Charlotte on the fourth Monday in March and September. The courts would be held by Chancellors appointed by the General Assembly.
6. Acts of 1837-38, Chapter 14, Section 3, provided that the Counties of Dickson, Humphreys, Hickman, Stewart, Montgomery and Cumberland would compose one chancery district whose court would be held at Charlotte on the fourth Monday in March and September of each year.
7. Acts of 1841-42, Chapter 27, Section 2, changed Chancery Court terms in the District but the court at Charlotte would continue to meet on the fourth Monday in March and September.
8. Acts of 1845-46, Chapter 168, provided that the Chancellor of the Middle Division would hereafter hold the Chancery Court at Charlotte and Clarksville. Terms would begin in Charlotte on the third Monday in April and October.
9. Acts of 1847-48, Chapter 198, established a new Chancery District to be held at Dover in Stewart County by the Chancellor of the Middle Division on the first Monday in April and October. Citizens of Montgomery County and Humphreys County were given leave to file their chancery suits in Dover, if they desired.
10. Acts of 1851-52, Chapter 178, scheduled the court terms for Chancery Courts in the Middle Division. Terms would begin in Humphreys County on the first Thursday after the first Monday in March and September.
11. Acts of 1851-52, Chapter 181, Section 6, established a chancery court at Waverly in Humphreys County in the Middle Division of the State. The dates for holding the Court were left blank in the Act.
12. Acts of 1853-54, Chapter 54, created the Fifth and the Sixth Chancery Divisions in the State. The Sixth Chancery Division was composed of the counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne and Lawrence. A Chancellor would be elected by the people for the new Division.

13. Acts of 1853-54, Chapter 55, Section 4, changed the opening dates of the Chancery Court in Humphreys County to the first Monday in April and October, after a Judge was elected by the people of the Division.
14. Acts of 1855-56, Chapter 112, Section 5, rearranged the schedule of Chancery Court terms in the 6th Chancery Division. Court terms would begin at Waverly in Humphreys County on the Thursday after the third Monday in March and September.
15. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, Sixth Chancery Divisions. The 6th Division included the Counties of Carroll, Henderson, McNairy, Hardin, Wayne, Lawrence, Dickson, Humphreys, Benton, Decatur, Perry, and Hickman. Court would begin regular terms in Humphreys County on Thursday after the third Monday in March and September at Waverly.
16. Public Acts of 1866-67, Chapter 4, Section 4, scheduled the opening dates of the Chancery Courts in the Fifth Chancery District which was composed of the post civil war counties of Dickson, Humphreys, Henderson, McNairy, Hardin, Wayne, Lawrence, Decatur, Perry, and Hickman. Humphreys County Chancery Court would begin its regular terms on the fourth Monday in March and September at Waverly.
17. Public Acts of 1870, Chapter 32, organized Tennessee into twelve Chancery Districts. The 9th District consisted of the counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.
18. Public Acts of 1870, Chapter 47, scheduled the opening dates for the Chancery Court terms for every county in Tennessee. In Humphreys County the Chancery Court terms would start on the second Monday in January and July.
19. Public Acts of 1870-71, Chapter 10, set the terms of the Chancery Court at Waverly in Humphreys County to begin on the third Monday in January and July.
20. Public Acts of 1873, Chapter 5, changed court terms for the counties in the 9th Chancery Division. Court would begin at Waverly in Humphreys County on the second Monday in June and December.
21. Public Acts of 1879, Chapter 88, changed the court terms in the Ninth Chancery Division which included the counties of Lewis, Perry, Hickman, Decatur, Henderson, McNairy, Hardin, Wayne, Lawrence, Dickson, Humphreys, and Benton. Court terms would commence in Humphreys County on the second Monday in June and December.
22. Public Acts of 1881, Chapter 162, rescheduled Chancery Court terms for the Ninth Chancery Division. Chancery Court would meet regularly in Humphreys County on the second Monday in June and December.
23. Acts of 1885 (Ex. Sess.), Chapter 20, was a revision of the entire lower judicial structure of the State. Eleven Chancery Divisions were formed of which the Eighth was composed of the Counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale. Court would open in Humphreys County on the second Monday in January and July. This Act, and many others, were reviewed by the Supreme Court in Flynn v. State, 203 Tennessee 337, 313 S.W. 2d 248 (1958).
24. Public Acts of 1899, Chapter 427, reorganized the entire lower court system in Tennessee, creating ten Chancery Divisions. The Sixth Chancery Division comprised the counties of Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson. Court would meet in Humphreys County on the third Monday in June and December.
25. Private Acts of 1905, Chapter 286, rearranged the terms of Court in the Sixth Chancery Division. Chancery Court would commence its regular terms at Waverly on the third Monday in May and the first Monday in November.
26. Private Acts of 1919, Chapter 455, rearranged the court dates for some of the counties in the Sixth Chancery Division, but Humphreys County would continue on the third Monday in May and the first Monday in November

Chancery Court - Clerk and Master

The following act once applied to the clerk and master in Humphreys County.

1. Private Acts of 1919, Chapter 7, made it possible for women over 21 years of age, and residents of the county in which they would be appointed, to serve as a Deputy Clerk in any of the courts of Humphreys County. They would have all the rights and privileges and be burdened with all the responsibilities and obligations as any other Deputy Clerks and Masters.

Circuit Court

The following acts were once applicable to the circuit court of Humphreys 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. Acts of 1809, Chapter 31, Section 6, in creating Humphreys County provided that the courts of the new county would be considered as part of the Robertson District.
2. Acts of 1809, Chapter 49, created five judicial circuits in the State of Tennessee. Circuit Courts would meet twice each year in the counties as designated, and there would be one judge appointed by the General Assembly for each of the Circuits. The Fifth Judicial Circuit was composed of the counties of Montgomery, Dickson, Hickman, Humphreys, Stewart, and Robertson. Circuit Court terms would begin in Humphreys County on the third Monday in March and September.
3. Acts of 1817, Chapter 138, scheduled the opening dates for all the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Judicial Circuit. Terms would start in Humphreys County on the third Monday in March and September.
4. Private Acts of 1819, Chapter 154, scheduled the terms of Circuit Court for several counties in West Tennessee with Humphreys County meeting on the third Monday in March and September.
5. Private Acts of 1820, Chapter 107, set the time for the Supreme Court of Errors and Appeals for the Fifth Judicial Circuit for which said appeals would be heard for the fourth Monday in June and December. Court would stay in session for two weeks unless the business of the Court was cleared sooner.
6. Public Acts of 1825, Chapter 31, provided that the Supreme Court of Errors and Appeals would hold a term at Reynoldsburgh in Humphreys County on the second Monday in March each year. All the appeals from the Fifth, Eighth and Ninth Judicial Circuits would be directed here.
7. Public Acts of 1827, Chapter 60, Section 2, set the time when the Supreme Court would hereafter sit at Reynoldsburgh in Humphreys county on the third Monday in May to which date all bonds and process would be made to conform.
8. Public Acts of 1831, Chapter 55, Section 6, provided that the Supreme Court at Reynoldsburgh would hereafter be held on the first Monday in June of each year.
9. Private Acts of 1831, Chapter 227, Section 4, stated that hereafter the Supreme Court at Reynoldsburgh would meet on the fourth Monday in May.
10. Public Acts of 1833, Chapter 14, provided that the Supreme Court of Errors and Appeals for the Fifth Judicial Circuit, now being held at Reynoldsburgh in Humphreys County, would hereafter be held at the Court House in Centerville, in Hickman County. All process and bonds were to be adjusted to conform to the above move. All the appeals arising in the future in the counties of Lawrence, Wayne, Hardin, Humphreys, Hickman, and Perry would go to the Court at Centerville. The Act which established the Supreme Court at Reynoldsburg was specifically repealed. The Court would meet on the first Monday in June.
11. Public Acts of 1835-36, Chapter 3, enacted to implement the requirements of the 1834 State Constitution, established a Supreme Court of three Judges, one from each of the grand divisions of the State. The Court would meet at least once annually in Knoxville, Nashville, and Jackson. The Middle Division of the Court was composed of Fentress, Overton, White, Warren, Franklin, Jackson, Smith, Wilson, Rutherford, Bedford, Lincoln, Sumner, Robertson, Davidson, Williamson, Maury, Giles, Lawrence, Wayne, Hickman, Dickson, Montgomery, Stewart, and Humphreys Counties.
12. Public Acts of 1835-36, Chapter 5, enacted after the adoption of the 1834 Constitution, established a new system of circuit courts which were to meet three times annually under a judge assigned to each Circuit. The Act organized eleven Judicial Circuits in Tennessee assigning the counties of Dickson, Hickman, Humphreys, Stewart, Montgomery, and Robertson to the 7th Judicial Circuit. Regular terms of the Circuit Court would commence in Humphreys County on the fourth Monday in February, June and October.
13. Acts of 1837-38, Chapter 228, provided that the Circuit Court and the County Court for Humphreys County would hereafter be held at the town of Waverly in Humphreys County and all writs, recognizances, and bonds were made returnable to Waverly in the same manner as they might have been made returnable originally to Reynoldsburg.
14. Acts of 1841-42, Chapter 27, rearranged the opening dates for the regular terms of the Circuit Courts in the Seventh Judicial Circuit. In Humphreys County the Circuit Court terms would begin on the first Monday in April, August and December of each year.

15. Acts of 1847-48, Chapter 49, scheduled changes for the terms of Circuit Court in the Seventh Judicial Circuit which would become effective after January 1, 1848. Counties affected were Montgomery, Robertson, Dickson, Stewart, and Humphreys whose circuit court would convene on the first Monday in March, July, and November.
16. Public Acts of 1857-58, Chapter 13, Section 8, moved Humphreys County to the Ninth Judicial Circuit from the Seventh Circuit. The Judge of the Ninth Judicial Circuit would hold the courts in Humphreys County after the passage of this Act.
17. Public Acts of 1857-58, Chapter 21, reset the opening dates of the Circuit Courts for several individual counties including Humphreys County where the Circuit Court would start its regular terms on the third Monday in January, May and September.
18. Public Acts of 1857-58, Chapter 98, was a realignment of all the Judicial Circuits in Tennessee into sixteen judicial circuits. The counties of Benton, Henry, Weakley, Carroll, and Humphreys composed the 13th Judicial Circuit. Regular Circuit Court terms were set to start in Humphreys County on the third Monday in March, July and November.
19. Private Acts of 1857-58, Chapter 93, Section 2, repealed conflicting portions of Public Acts of 1857-58, Chapter 21, and set the Circuit Court terms in Humphreys County for the first Monday in March, July and November.
20. Public Acts of 1859-60, Chapter 6, Section 5, stated that the Judge of the 13th Judicial Circuit would open and hold a special term of the Circuit Court of Humphreys County at the Court House in Waverly commencing on Thursday, December 15, 1859, and to continue until the business of the said Court was completed. All cases, both civil and criminal, originally scheduled for the November 1859 term would be heard at this special term.
21. Public Acts of 1865-66, Chapter 10, rearranged the terms of court for the counties in the 13th Judicial Circuit. The Circuit included the counties of Carroll, Henry, Weakley, Benton, and Humphreys where the Court would meet on the second Monday in March, July and November.
22. Public Acts of 1870, Chapter 31, reorganized the entire system of Circuit Courts in Tennessee into fifteen judicial circuits. The Tenth Judicial Circuit contained the counties of Robertson, Montgomery, Stewart, Cheatham, Dickson, Humphreys and Sumner.
23. Public Acts of 1870, Chapter 46, scheduled the opening dates of the regular terms of the circuit court in every county in Tennessee. In Humphreys County the Court would start its regular terms on the fourth Monday in March, July and November.
24. Acts of 1885 (Ex. Sess.), Chapter 20, was a revision of the entire lower court system of Tennessee. The State was divided into fourteen judicial circuits. The counties of Sumner, Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson and Humphreys were designated as the Tenth Judicial Circuit. Terms of court would begin in Humphreys County on the fourth Monday in March, July and November.
25. Public Acts of 1899, Chapter 427, reorganized the entire lower judicial structure of the State into fourteen Judicial Circuits. The Ninth Judicial Circuit contained the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson, and Sumner. Circuit Court terms would begin in Humphreys County on the first Monday in January, May and September.
26. Private Acts of 1903, Chapter 29, reset the terms of the Circuit Courts in the Ninth Judicial Circuit, composed of the counties of Sumner, Robertson, Cheatham, Montgomery, Houston, Stewart, Dickson, and Humphreys whose court would convene at Waverly on the second Monday in April, August and December.
27. Private Acts of 1909, Chapter 329, amended Private Acts of 1903, Chapter 29, by rescheduling the terms of the Circuit Courts for the counties in the Ninth Judicial Circuit. Circuit Court terms would commence at Waverly on the third Monday in April, August and December.
28. Private Acts of 1917, Chapter 293, amended Public Acts of 1915, Chapter 57, by resetting the opening dates of the Circuit Court terms in Humphreys county from the first Monday in August and December to the second Monday in August and December.
29. Private Acts of 1925, Chapter 212, amended Public Acts of 1915, Chapter 57, by changing the terms of the Circuit Court in Humphreys County to the third Monday in April and the second Monday in August and December.
30. Public Acts of 1957, Chapter 95, and Public Acts of 1976, Chapter 655, created the Twenty-first Judicial Circuit, added an additional judge, provided that the Senior Judge shall be the Presiding Judge, and provided for authority to hire a secretary for the new judge. T.C.A. 16- 2-506 and 16-2-509 provide that Humphreys County is in the Twenty-third Judicial District, provide the

number of judges, and designate the presiding judge.

Circuit Court- Clerk

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

1. Private Acts of 1903, Chapter 255, fixed the annual salaries of the Circuit Court Clerks in Tennessee according to the population class of the County in which they served. According to census information for the year 1900, Humphreys County would have paid the Circuit Court Clerk \$500 a year. The Clerks must file a sworn, itemized statement with the County Judge or Chairman, by January 1, showing all the fees collected in the office for the preceding year. If the fees were less than the stipulated salary, the county would pay the difference. If the fees were more than the salary, the Clerk could retain the excess.
2. Private Acts of 1919, Chapter 7, provided that all women over twenty one years of age were eligible to serve as Deputy in the offices of any of the Clerks of the Courts in Humphreys county. They would have all the rights, privileges, responsibilities, and obligations as other Deputy Clerks.
3. Private Acts of 1919, Chapter 473, stated that in Humphreys County the Circuit Court Clerk would be paid as compensation the sum of \$800 per year, payable quarterly, on the warrant of the County Judge, or Chairman, provided a sworn, itemized statement was filed with the Judge, or Chairman, showing all the fees collected in the office during the quarter. If the fees were less than the salary, the County would make up the difference. The Clerks could not donate the fees to anyone, and must pay any Deputy Clerks out of their own salary.
4. Private Acts of 1925, Chapter 660, amended Private Acts of 1919, Chapter 473, by raising the annual salary of the Circuit Court Clerk of Humphreys County from \$800 to \$900.
5. Private Acts of 1931, Chapter 747, declared that in Humphreys County the Circuit Clerk would receive as compensation the sum of \$1,000 annually, payable quarterly out of the county treasury on the warrant of the County Judge, or Chairman, but the Clerk must file a sworn, itemized statement showing all the fees collected in the office with the County Judge, or Chairman, each quarter. If the fees were less than the salary, the County must supply the difference to the Clerk. The Clerk was required to pay the Deputies out of his salary.
6. Private Acts of 1935, Chapter 409, declared that in Humphreys County the Quarterly Court had the authority to appropriate sufficient money out of the county general funds to insure, or make the salary of the Circuit Court Clerk equal \$800 per annum. The Clerk must file a sworn, itemized statement at least ten days before the first Monday in January of each year with the County Judge or Chairman showing all the fees collected in the office for the preceding year. If the fees were less than the salary, the county must pay the Clerk the difference. All the fees exceeding the annual salary of the Clerk would become the property of the County and be paid into the general county fund.
7. Private Acts of 1937, Chapter 603, amended Private Acts of 1935, Chapter 409, by increasing the annual salary of the Circuit Court Clerk from \$800 to \$1,000.
8. Private Acts of 1961, Chapter 258, provided additional compensation of \$1,200 per annum to the Circuit Court Clerk of Humphreys County for his service as Clerk of the Court of General Sessions. This sum would be in addition to any amount authorized under the general law and would come from fines and costs collected in the Court of General Sessions

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1817, Chapter 65, Section 3, laid the State of Tennessee off into ten Solicitorial Districts. The Tenth Solicitorial District was made up of the counties of Dickson, Stewart, Humphreys, Montgomery, and Robertson. The General Assembly would appoint one Attorney General for each District who would prosecute on behalf of the State.
2. Public Acts of 1821, Chapter 42, Section 3, set up the 13th Solicitorial District which included the counties of Humphreys, Henry, and Carroll. A new Solicitor General would be elected to prosecute in the name of the State in the new Solicitorial District.
3. Public Acts of 1835-36, Chapter 28, enacted pursuant to the new 1834 State Constitution, made each Solicitorial District in Tennessee coincide with each Judicial Circuit. The General Assembly would appoint one Attorney General for each District who would prosecute on behalf of the state.
4. Public Acts of 1929, Chapter 29, created the position of Assistant Attorney- General in the Ninth

Judicial Circuit, who must be over 21 years of age, a licensed attorney, and a resident of the Circuit in which he was appointed. The Assistant was required to assist the Attorney-General, to attend the Grand Jury sessions, to prosecute offenses in the name of the State of Tennessee and to perform such other duties as the Attorney-General might direct. The annual salary would be \$3,000, but this position would terminate and cease when the Attorney General of the Circuit recovered and returned to duty.

5. Public Acts of 1971, Chapter 56, Public Acts of 1972, Chapter 781, Public Acts of 1974, Chapter 527, and Public Acts of 1976, Chapter 519, created additional positions for assistant district attorneys general in the Twenty-first Judicial Circuit. Humphreys County is now part of the Twenty-third Judicial District according to T.C.A. 16-2-506, which also provides the number of judges, assistant district attorneys general, and investigators for the district.

General Sessions Court

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

1. Private Acts of 1961, Chapter 9, fixed the amount of the annual salary of the Judge of the General Sessions Court in Humphreys County at \$4,800, payable in equal monthly installments out of the general funds of the county.
2. Private Acts of 1972, Chapter 385, amended Private Acts of 1961, Chapter 9, by increasing the annual salary of the General Sessions Court Judge from \$4,800 to \$10,000. This Act was not acted on by the Humphreys County Quarterly Court and consequently never became an effective law under the Home Rule Amendment to the State Constitution.
3. Private Acts of 1973, Chapter 101, created the positions of Night Clerk and Deputy Night Clerk of General Sessions of Humphreys County. The Judge would appoint only one Night Clerk, but could appoint as many deputies as were necessary. The compensation would be not less than \$100 per month each. This Act was not approved by the Quarterly Court and never took effect.
4. Private Acts of 1973, Chapter 131, amended Private Acts of 1961, Chapter 9, by setting the base salary of the Judge of the General Sessions Court at \$10,000 with a provision for a cost-of-living increase beginning September 1, 1974.

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