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# Chapter V - Court System

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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

### Chancery Court

#### Clerk and Master

### Private Acts of 1943 Chapter 318

**SECTION 1.** That in counties having a population of not more than 9882 and not less than 9878, according to the Federal Census of 1940, or any subsequent Federal Census, there be paid to the Clerks of the Chancery Courts out of the County Treasury, upon warrant of the County Judge or Chairman of the County Court, the sum of Sixty (\$60.00) Dollars per month, this in addition to the fees, commissions and compensation provided by existing laws or allowed by the Chancellor.

As amended by: Private Acts of 1949, Chapter 266

**SEC. 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 29, 1943

**COMPILER'S NOTE:** Private Acts of 2016, Chapter 37, which amended Private Acts of 1943, Chapter 318, as amended by Private Acts of 1949, Chapter 266, relative to the filing and disposition of certain mental health cases in Cannon County, is set forth in full below.

### Private Acts of 2016 Chapter 37

**SECTION 1.** Chapter 318 of the Private Acts of 1943; as amended by Chapter 266 of the Private Acts of 1949; and any other acts amendatory thereto, is further amended by adding the following:

Section 1. Thirty (30) days after approval of this act as provided in SECTION 2 and SECTION 3, all petitions or cases filed in Cannon County concerning mental health commitments or any other action filed pursuant to Tennessee Code Annotated, Title 33, Chapter 6, shall be filed with the Clerk and Master of Cannon County rather than with the General Sessions Court Clerk.

Section 2. Notwithstanding where the petition or action is filed, the General Sessions Judge of Cannon County shall retain the authority to hear and determine mental health petitions or actions in the same manner as prior to the enactment of this act. The Clerk and Master and General Sessions Judge shall establish a method to make available to the General Sessions Judge all files and records pertaining to mental health actions that are now filed with the Clerk and Master.

Section 3. When accepting a petition or claim concerning mental health commitments or any other action filed pursuant to Tennessee Code Annotated, Title 33, Chapter 6, the amount 'of fees to which the Clerk and Master are entitled shall remain the same as the fees to which the General Sessions Court Clerk was entitled when the same documents were filed with the General Sessions Court Clerk.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Cannon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cannon County legislative body and certified 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 as provided in Section 2.

Passed: April 8, 2016

### Circuit Court

#### Clerk

### Private Acts of 1961 Chapter 242

**COMPILER'S NOTE:** See Section 18-4-201, Tennessee Code Annotated for the minimum compensation levels of the Circuit Court Clerk, when acting as the Clerk of the General Sessions Court.

**SECTION 1.** That the Clerk of the Circuit Court of Cannon County when acting as Clerk of the Court of

General Sessions of said County shall receive as additional compensation for his services as Clerk of the Court of General Sessions the sum of Twelve Hundred (\$1,200.00) Dollars per annum which shall be paid to him in equal monthly installments out of the general funds of said County.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Cannon County. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him 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 13, 1961.

## General Sessions Court

### Private Acts of 1961 Chapter 270

**SECTION 1.** That the Judge of the Court of General Sessions of Cannon County, Tennessee is hereby authorized and vested with exclusive jurisdiction to try, hear and dispose of all matters and causes relating to juveniles and juvenile courts as now provided for under the general laws of the State.

That all existing authority and jurisdiction now vested by law in the County Chairman of Cannon County relative to juveniles and juvenile courts is hereby divested out of said County Chairman and transferred and vested in the Judge of the Court of General Sessions for Cannon County.

**SECTION 2.** That the Judge of the Court of General Sessions for the performance of these extra duties shall receive the additional sum of six hundred dollars (\$600.00) per annum, payable in equal monthly installments out of the general fund of said county.

**COMPILER'S NOTE:** Tennessee Code Annotated § 16-15-5003 provides that general sessions judges in shall receive additional compensation for exercising juvenile court jurisdictions.

**SECTION 3.** That the Clerk of the Circuit Court of Cannon County is hereby directed and authorized to act as Clerk of the Juvenile Court, and he shall perform all the duties, powers and functions in regard to such Court as are now vested by law in the County Court Clerk. The County Court Clerk is hereby relieved from any further duty or obligation to act as Clerk of the Juvenile Court.

**SECTION 4.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Cannon County and its approval or non-approval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1961.

## Court System - Historical Notes

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

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

1. Private Acts of 1917, Chapter 788, created a Board of Jury Commissioners for Cannon County, consisting of three discreet freeholders, or householders, who were not lawyers or county officials, and who had no suit pending in Courts, who would be appointed by the Judges of the County having criminal jurisdiction to serve a two year term. Vacancies would be filled in the same way. The members would meet, be sworn, and select one of their number as Chairman, the Clerk of the Court, or a Deputy, would serve the Board as Clerk. The Board would select from the tax rolls, or other public sources, a number of names equal to one-fifth of the voters voting in the last Presidential election but, in no event, would the number be less than 250, nor more than 1,000. These names would be listed on a book to be provided by the Clerk and the list verified by all three Commissioners. The names chosen would also be written on individual scrolls, or cards, and placed in a Jury Box which would be locked and sealed, not to be opened except in the presence of the Board, or the Judge. Fifteen days prior to the opening of Court, a child under ten years of age would draw out of the Jury Box the number of names specified by the Judge, or equal to the number of jurors required. The names would be placed in an envelope and presented to the Court, and would constitute the Jury list for that term. Five days before Court, the list would be

delivered to the Sheriff who would summon the prospective jurors to duty. Provisions for special juries and special panels were included. No one could be excused except by the Judge, and penalties were established for those who violated this law.

2. Private Acts of 1919, Chapter 480, amended Chapter 788, Private Acts of 1917, above, by correcting the population figures to make the Act apply to Cannon County.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Cannon 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. Acts of 1835, Chapter 4, separated Tennessee into three major Chancery Divisions and further divided those areas into smaller districts. Each Division's Courts would be held by a Chancellor who would be elected by ballot of both houses of the General Assembly. This Act was dated shortly before the creation of Cannon County which would presumably be under its provisions but is not mentioned in this Act.
2. Acts of 1835-36, Chapter 33, provided in the Act which created Cannon County that all Courts would be held at the home of Henry D. McBroom until a county seat and Courthouse could be made ready. Cannon County's Chancery Court was attached to the District of Warren and White Counties, wherein causes could be filed and heard at McMinnville, or at Murfreesboro, which ever suited the convenience of the litigants.
3. Acts of 1839-40, Chapter 66, Section 3, established a district Chancery Court at Woodbury, in Cannon County, in the Fourth District of the Middle Division. The Court would be organized as other Chancery Courts and be held by the Chancellor of the Fourth District. Citizens of Coffee and DeKalb Counties were also given leave to file their Bills in Chancery in this Court at their personal discretion.
4. Acts of 1845-46, Chapter 82, Section 2, rescheduled the opening of some of the terms of the Chancery Courts in the Fourth District changing the court at Woodbury in Cannon County to the fourth Monday in April and October.
5. Acts of 1847-48, Chapter 107, stated that the Chancery Court at Woodbury in Cannon County shall begin its term on the Thursday next preceding the second Monday in March and September, starting at the next term of Court. Chapter 198, of this volume, Page 332, Section 5, provided for the same thing as the above.
6. Acts of 1851-52, Chapter 329, Section 5, stated that hereafter the Chancery Court at Woodbury would open on the Thursday after the fourth Monday in March and September, starting after the next term.
7. Acts of 1853-54, Chapter 123, Section 4, changed the opening dates for the Chancery Courts of Overton, DeKalb, Warren, and Cannon Counties which went to the first Monday in April and October.
8. Acts of 1855-56, Chapter 164, Section 3, changed the schedule of Chancery Court terms in several counties but left Cannon's on the first Monday in April and October with the provision that, if there were five Mondays in March and September the Court at Woodbury would be held then.
9. Acts of 1857-58, Chapter 88, organized the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Division contained the counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Rutherford, and Cannon whose terms of court would continue to start as specified in Item 8, above.
10. Acts of 1866-67, Chapter 4, Section 3, changed the starting dates of the Chancery Court in Cannon County from the first Monday after the fourth Monday of March and September to the first Wednesday before the second Monday in April and October.
11. Acts of 1866-67, Chapter 33, created the 12th Chancery Division which contained the Counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Warren, and Cannon. Court terms for Cannon would begin on the third Monday in February and August at Woodbury. The Governor would appoint a Chancellor to hold court until one could be duly elected.
12. Acts of 1869-70, Chapter 60, Section 3, stated that the Chancery Court for Cannon County shall hereafter be held on the third Monday in May and November and all process now returnable to February, 1870 term, shall stand and be returnable to the May, 1870 term, specified above.
13. Acts of 1870, Chapter 32, Page 60, reorganized the State into twelve Chancery Districts. The

- Fourth District was made up of the Counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy.
14. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Courts in Tennessee. Cannon County would begin the terms at Woodbury on the third Monday of May and November.
  15. Acts of 1875, Chapter 28, provided, among other things, that the Chancery Court for Cannon County would start on the fourth Monday of April and October.
  16. Acts of 1885 (Ex. Sess.), Chapter 20, rearranged the entire lower Court system of the State. Eleven Chancery Divisions were provided of which the Fourth contained the Counties of Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall. The Court at Woodbury would open on the fourth Monday in April and October. The Act was tested as part of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
  17. Acts of 1891, Chapter 11, amended Chapter 20, Acts of 1885 (Ex. Sess.), above, so as to require the Chancery Courts of Cannon County to be held hereafter on the second Monday in March and September of each year.
  18. Acts of 1899, Chapter 427, reorganized the Equity Courts in Tennessee into ten Chancery Divisions. The Fourth Divisions had in it the Counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Court in Cannon County would meet on the first Monday in January and July.
  19. Acts of 1903, Chapter 97, changed the Court terms of the Chancery Courts in the Fourth Division. Cannon would start the two terms at Woodbury on the first Tuesday in January and July.
  20. Acts of 1905, Chapter 120, changed the Court terms for some of the counties in the Fourth Chancery Division but Cannon remained on the first Tuesday after the first Monday in January and July.
  21. Private Acts of 1911, Chapter 507, again rescheduled some of the terms of Court in the Fourth Chancery Division but did not change Cannon's terms.
  22. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged the whole lower court system of the State into 14 Chancery Divisions. The Fourth Divisions consisted of the Counties of Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam, and Cannon whose Courts would open at Woodbury on the first Tuesday after the first Monday in January and July. All future changes were by public act rather than private.

### **Circuit Court**

The following acts were once applicable to the circuit court of Cannon 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 1835-36, Chapter 47, attached Cannon County, newly created, to the Fifth Judicial Circuit. Courts would be held by the Judge of that Circuit on the third Monday in March, July, and November at some suitable house in Danville until the seat of justice is established, and other arrangements made.
2. Acts of 1837-38, Chapter 116, Section 3, rescheduled the Circuit Court terms for some of the counties in the Fifth Judicial Circuit, including Cannon whose Courts would open on the second Monday in January, May, and September.
3. Acts of 1839-40, Chapter 21, Section 2, provided that the Circuit Court would be opened in Cannon County on the third Monday in January, May, and September.
4. Acts of 1843-44, Chapter 161, Section 2, stated that the Circuit Court of Cannon County would hereafter be held on the fourth Monday in April, August, and December.
5. Acts of 1845, Chapter 28, changed the times of holding court in Woodbury in Cannon County to the second Mondays of February, June and October.
6. Acts of 1857-58, Chapter 98, rearranged all of the lower Court system of the State into sixteen Judicial Circuits. The Seventh Circuit was assigned the Counties of Wilson, Rutherford, Bedford, and Cannon, and scheduled the Court terms for Cannon to begin on the second Monday of February, June, and October.
7. Acts of 1870, Chapter 31, organized all the Circuit Courts in Tennessee into fifteen regular, and one special, Circuits. The Seventh Circuit had in it the Counties of Rutherford, Cannon, Wilson, Bedford, and the Criminal Court of Wilson County.

8. Acts of 1870, Chapter 46, set the terms of the Circuit Courts for every County in the State. Cannon County would open the Circuit Courts on the second Monday of February, June, and October.
9. Acts of 1873, Chapter 62, changed the opening dates of the Circuit Court in Cannon County to the fourth Monday in February, June, and October, all process outstanding to be made to conform to those dates. This Act was repealed by the one following.
10. Acts of 1875, Chapter 28, repealed Chapter 62, Acts of 1873, above, and returned the starting dates for the Circuit Court terms in Cannon County to the second Monday in February, June and October.
11. Acts of 1885 (Ex. Sess.), Chapter 20, rearranged the lower judicial system of Tennessee into fourteen regular and one special Circuits. The 8th Judicial Circuit was assigned the Counties of Wilson, Rutherford, Cannon, Bedford, and Marshall. Terms of Court would start in Cannon on the second Monday in February, June, and October.
12. Acts of 1895, Chapter 108, changed the Court terms of the Circuit Courts in Rutherford and Cannon Counties. Cannon's Circuit Courts would convene on the first Monday in February, June, and October.
13. Acts of 1899, Chapter 427, divided the State into fourteen Judicial Circuits. The 8th Judicial Circuit contained the Counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Circuit Court terms in Cannon would remain on the first Mondays in February, June, and October.
14. Acts of 1903, Chapter 325, rearranged the Circuit Court terms in Cannon County so that the Courts would open on the Tuesday after the first Monday in February, June, and October.
15. Acts of 1903, Chapter 522, was a duplicate of Chapter 325, Private Acts of 1903, above.
16. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged all the Circuit and Chancery courts in the State, creating a total of 20 Judicial Circuits. The 8th Judicial Circuit was composed of the Counties of Bedford, Marshall, Rutherford, and Cannon whose court dates remain as they were.
17. Public Acts of 1963, Chapter 266, amended Section 16-218, of Tennessee Code Annotated, by providing that in addition to the regular terms of Court, the first Monday in each month shall be a Rule Day and each summons, accompanied by a declaration, shall be answered by the Defendant. All suits filed before thirty days of the opening of the court of the first Monday of every month, shall have a plea, or answer, filed by the Defendant.
18. Public Acts of 1967, Chapter 379, amended Section 16-218, Tennessee Code Annotated, by inserting a new Section establishing terms of Court for Rutherford and Cannon Counties. Cannon's Court would open on the third Monday in January, May, and September. In addition to the regular terms the first and third Mondays in Cannon and Rutherford Counties shall be a Rule Day, and each Rule Day shall be a Return Day for process, to which all original process will be directed. If the defendant is a non-resident, the publication shall state the date on which he is to appear and answer. Process issued five days or less before the opening of the term shall be returned to the next term of Court.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 25, was a statewide Act establishing the salaries of the Circuit Court Clerks only, according to the population of the County in which they served. Under this Act the annual salary of the Clerk in Cannon County would have been \$500. This Act was one of several which were soon used as models for the current salary Acts for all county officials.
2. Private Acts of 1915, Chapter 188, amended Section One, Chapter 255, Acts of 1903, above, so as to provide that the Circuit Court Clerk of Cannon County shall be paid \$750 a year. The population figures used to identify Cannon County did not specify the census but they fit the 1910 Census.
3. Private Acts of 1919, Chapter 165, fixed the annual salary of the Circuit Court Clerk in all counties between 10,090, and 11,000 in population, at \$800 per year, which would apply to Cannon with a 1910 population of 10,820. The Act was probably meant to apply only to Decatur County. The Clerk must file an annual, sworn, itemized statement, showing all the fees collected in the office, and, if the fees fail to equal the salary the County will pay the difference, but, if the fees exceed the salary, the Clerk may retain the excess.
4. Private Acts of 1927, Chapter 5, amended Chapter 188, Private Acts of 1915, Item 2, above, by increasing the annual salary of the Circuit Court Clerk from \$750 to \$1,000 in Cannon County.

5. Private Acts of 1935, Chapter 731, amended Chapter 55, Private Acts of 1927, Item 4, above, by increasing the annual salary of the Cannon County Circuit Court Clerk from \$1,000 to \$1,200, all other conditions to remain as they were.
6. Private Acts of 1949, Chapter 264, amended Chapter 731, Private Acts of 1935, above by increasing the salary of the Circuit Court Clerk from \$1,200 to \$1,440 per year.
7. Private Acts of 1951, Chapter 525, amended Chapter 264, Private Acts of 1949, above, by raising the annual salary of the Circuit Court Clerk of Cannon County from \$1,440 to \$1,620.

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

The following act once affecting Cannon County is no longer in effect but is listed here for historical purposes.

1. Acts of 1835-36, Chapter 28, made each Solicitorial District in Tennessee coincide with the Judicial Circuits from the effective date of the Act forward.

**Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1915, Chapter 117, created a position of Stenographer for the Chancellor of the Fourth Division, of which Cannon County was then a part of, who would serve at his will and direction, and whose salary would be paid by the State up to prescribed amounts.

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