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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter V - Court System

Circuit Court Clerk

Private Acts of 1963 Chapter 176

SECTION 1. That the Circuit Court Clerk for Clay County, Tennessee, shall be entitled to and receive the sum of Six Hundred Dollars (\$600.00) per annum for his services as Clerk of the Court of General Sessions. Such sum shall be in addition to and supplementary of the salary allowed him as Clerk of the Circuit Court of said County under the provisions of Section 8-2405 of the Tennessee Code Annotated. Payments of such sum shall be made by equal monthly installments out of the general fund of the County. In the event the Clerk's fees of such office exceed the amount allowed him as Circuit Court Clerk under the provisions of the above Code section and the provisions of this Chapter combined, he may elect and accept such fees in lieu of salary. Provision for this added compensation is made pursuant to authority granted in Section 18-408 of the Tennessee Code Annotated.

SECTION 2. That this Act shall have no effect unless the same be approved by a two-thirds vote of the Quarterly County Court of Clay County. The presiding officer shall proclaim its approval or non-approval and shall certify the same to the Secretary of State.

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

Passed: March 18, 1963.

Court of Common Pleas

Private Acts of 1973 Chapter 145

SECTION 1. That there is hereby created a court, effective September 1, 1973, for Clay County, Tennessee, having the powers and jurisdictions hereinafter set forth, coextensive with the boundary lines of said county, and to be known as the Court of Common Pleas of Clay County, Tennessee.

SECTION 2. That the Judge of the General Sessions Court of Clay County, Tennessee, upon his being elected and qualified as Judge of the General Sessions Court shall also be Judge of the Court of Common Pleas of Clay County, Tennessee, and the present General Sessions Judge of Clay County, Tennessee, shall be and is hereby designated to serve as such Judge of the Court of Common Pleas until his successor is duly elected and qualified under the terms and provisions of this Act.

SECTION 3. That the terms of the Court of Common Pleas of Clay County shall be monthly, commencing on the First Monday of each calendar month, and the procedure shall conform to the Rules of Civil Procedure applicable to the Circuit and Chancery Courts.

SECTION 4. That the Court of Common Pleas of Clay County, Tennessee, shall have concurrent jurisdiction with the Circuit Court and Chancery Court in said county in workmen's compensation, divorce and Habeas Corpus cases, and those powers specifically conferred by Section 23-1201 of the Tennessee Code Annotated. In addition to the powers and duties set out above for such Judge of the Court of Common Pleas, he may sit by interchange with the Circuit and Criminal Judges and the Chancellor, and they with him, in such county.

SECTION 5. That the Court of Common Pleas of Clay County shall be a court of record and the same records shall be kept and preserved as is required by law for Circuit and Chancery Courts.

SECTION 6. That the Circuit County Clerk of Clay County shall be the Clerk of the Court of Common Pleas, and all fees received by him as Clerk of the Court of Common Pleas shall continue to be a part of the fees of his office.

SECTION 7. That said Judge shall receive for his duties as Judge of the Court of Common Pleas a salary of Four Thousand Dollars (\$4,000.00) per annum, payable monthly from the county treasury like other county officials are paid, from and after the effective date of this Act, in addition to the salary received by him for his services as General Sessions Judge.

SECTION 8. That the Judge of the Court of Common Pleas of Clay County shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors.

As amended by: Private Acts of 1984, Chapter 212

SECTION 9. That the provisions of this Act shall be severable and if any of the provisions shall be held to

be unconstitutional the decision of the Court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this Act that it would have been adopted by the General Assembly had such constitutional provisions not been included therein.

SECTION 10. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds (2/3) vote of the Quarterly Court of Clay County on or before September 1, 1973. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

SECTION 11. That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on September 1, 1973, the public welfare requiring it.

Passed: May 3, 1973.

Criminal Court

Creation of the Circuit

Acts of 1907 Chapter 85

SECTION 1. That a Criminal Court is hereby created and established for the counties of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith, to be known as the "Criminal Court of the Fifth Judicial Circuit of Tennessee."

SECTION 2. That said Criminal Court shall have general, common law, and statutory jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now, or hereafter may be, conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes.

SECTION 3. That the times of holding the Criminal Courts in said counties shall be as follows: White County, first Tuesday after the first Monday in January, May, and September; Putnam County, first Tuesday after the third Monday in January, May, and September; Cumberland County, first Monday in February, June, and October; Pickett County, second Monday in February, June and October; Overton County, third Monday in February, June, and October; Clay County, second Monday in January, May, and September; Jackson County, first Monday in March, July, and November; Macon County, third Monday in March, July, and November; Trousdale County, fourth Monday in March, July, and November; Smith County, second Tuesday after fourth Monday in March, July, and November.

As amended by: Private Acts of 1931, Chapter 298

SECTION 4. That the Circuit Court Clerks of the several counties herein named shall be the Clerks of said Criminal Court, and they shall perform the same duties and receive the same compensation as now provided by law.

SECTION 5. That the Attorney-general of the Fifth Judicial Circuit shall perform the duties of Attorney-general in the Criminal Court in the counties herein named, except the county of Fentress, and in the county of Fentress the Attorney-general of the Second Judicial Circuit shall perform the duties of Attorney-general.

SECTION 6. That immediately upon the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court created by this Act, who shall possess the same qualification and be clothed with the same powers and jurisdiction as are now provided by law for Judges in this State, and whose salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

SECTION 7. That the Judge of the Criminal Court created by this Act shall hold the Circuit Courts in the counties of Pickett, Macon, and Trousdale, and it shall be lawful for said judge of said Criminal Court and the Judge of the Fifth Judicial Circuit to hold each of their courts, both criminal and civil, in any of the different counties of said circuit at the same time; and the Judge of the Fifth Judicial Circuit shall hold the Criminal Court in the counties of Cumberland and Clay, and the Judge of the Fifth Judicial Circuit shall hold the Circuit and Criminal Court for Fentress County.

SECTION 8. That all bonds and recognizances heretofore or hereafter taken and all process hereafter issued shall be made returnable to the times and places fixed by law for holding the courts for the several counties herein named.

SECTION 9. That all laws and parts of laws in conflict with this Act be, and the same are hereby,

repealed in so far as they conflict with this Act, but no further or otherwise.

SECTION 10. That this Act take effect from and after March 1, 1907, the public welfare requiring it.

Passed: February 7, 1907.

Private Acts of 1941 Chapter 298

SECTION 1. That the Criminal Court at Celina, for Clay County, Tennessee, which is now being held by the Circuit Judge of the Fifth Judicial Circuit of Tennessee, on the fourth Mondays in February, June, and October, shall hereafter be held by the Judge of the Criminal Court of the Fifth Judicial Circuit of Tennessee.

SECTION 2. That this Act take effect from and after the first day of March, 1941, the public welfare requiring it.

Passed: February 14, 1941.

General Sessions Court

Private Acts of 1949 Chapter 285

SECTION 1. That there is hereby created and established in and for Clay County, Tennessee, a Court which shall be designated Court of General Sessions of Clay County, Tennessee, which shall possess the powers and jurisdiction as hereinafter provided. The Court shall be held in Celina, and Clay County shall provide courtrooms, dockets, furnishings, and necessary supplies for the equipment, operation and maintenance of said Court, and pay for same out of the ordinary funds of said county.

SECTION 2. That the jurisdiction, powers and authority of said Court shall be coextensive with Clay County and shall be the same as provided by law for Justices of the Peace in civil and criminal action; and the Justices of the Peace of Clay County are hereby divested of all such jurisdiction, powers and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court, or in the performance of the rites of matrimony, is in no wise affected by this Act. The said Justices of the Peace shall retain their power and authority to issue criminal warrants, mittimus, accept and approve appearance bonds, and said Justices of the Peace shall be paid their regular fees for such services, but such warrants, mittimus and appearance bonds shall be returnable for trial before the General Sessions Judge.

As amended by: Private Acts of 1949, Chapter 881

SECTION 3. That the Court of General Sessions is hereby vested with the jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information, wherein the person charged with such misdemeanor offenses enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Clay County, by the defendant, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

SECTION 4. That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 3 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads _____ guilty to the offense of _____ and waives his right to be tried only

by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

SECTION 5. That the laws regulating pleading and practice, stay of judgments, writs and processes in civil actions in the Courts of Justices of the Peace shall apply to and govern said Court; and all of the

statutes regulating appeals before Justices of the Peace shall likewise apply to said Court, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of Twenty-five (\$25.00) Dollars, exclusive of interest and cost; however (sic), a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

SECTION 6. That before the issuance of any warrant in a civil case, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars, or in lieu thereof, make a cash deposit with the Clerk of not less than Two Dollars and fifty cents (\$2.50), or more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

SECTION 7. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of the Justices of the Peace.

The fees and compensation, due for services rendered by the Court, shall accrue to Clay County, and the Clerk of said Court shall pay to said county monthly all fees, commissions and emoluments of said Court of General Sessions.

The fees and compensation, costs and mileage of witnesses, the Sheriff, his deputies, constables, game wardens and State Highway Patrolmen for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk, and handled, accounted for, and disbursed as required by law. The Clerk of said Court shall monthly pay to Clay County all fines and forfeitures collected.

SECTION 8. That there shall be one civil docket and one criminal docket for the Court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of the case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of Court, of the Sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

The judgment of the Court shall be entered both on the warrant and docket and signed by the trial judge.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said Court until its issuance has been properly entered on said respective dockets.

SECTION 9. There shall be one judge for said court who shall be at least thirty (30) years of age, and shall before his election, have been a resident of the state for five (5) years and of Clay County for one (1) year. The oath of said judge shall be the same as that prescribed for chancellors.

As amended by: Private Acts of 1963, Chapter 227
Private Acts of 1984, Chapter 212

SECTION 10. That the compensation of said Judge shall be Two Thousand Four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments, on the first day of each month. It shall be paid out of the ordinary funds of Clay County and shall not be increased or diminished during the time for which said Judge is elected.

The Judge of said Court may practice his profession in the other Courts of this State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided further, however, he shall not give advice, nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

As amended by: Private Acts of 1949, Chapter 881

SECTION 11. That for the purpose of carrying out the provisions of this Act, W. Grady Sidwell is hereby appointed Judge of the Court of General Sessions of Clay County, Tennessee, to serve until the first day of September, 1950, and until his successor is elected and qualified.

That at the regular election in 1950, and each eight years thereafter there shall be a Judge of the General

Sessions Court elected by the qualified voters of Clay County, Tennessee, who shall take office on the first day of September following, and shall hold office for a term of eight years and until his successor is elected and qualified.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold Court, then a majority of the attorneys present in Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. Such special Judges shall not be entitled to compensation for their services.

SECTION 13. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 14. That the Clerk of the Circuit and Criminal Courts of said county shall act as Clerk of said Court of General Sessions and when acting as Clerk of said Court shall be designated "Clerk of the Court of General Sessions of Clay County, Tennessee." The fees, commissions, and emoluments of said Court of General Sessions shall accrue to said county. The Clerk of said Court shall receive as compensation for his services the sum of Six Hundred (\$600.00) Dollars per annum, payable in equal monthly installments, on the first of each month, out of the ordinary funds of said county, which shall be in addition to the fees and compensation now allowed by law.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

COMPILER'S NOTE: Chapter 285, Private Acts of 1949, was part of the basis for the suit of Clay County v. Stone (1961), 343 S.W.2d 863, 208 Tenn. 1 (1961), wherein the court ruled that the fees collected in the General Sessions Court should be counted as part of the fees of the Circuit Court Clerk to provide for the clerk's salary established in the Anti-Fee bill.

SECTION 15. That the Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

SECTION 16. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases. He shall also have the authority to appoint some officer to wait upon the Court and act as bailiff thereof, when the General Sessions Judge deems it necessary and no officer shall draw pay for said service unless approved by said General Sessions Judge, and shall have the same authority to preserve order in his Court and to punish for contempt of Court as is now given by law to Circuit Judges.

As amended by: Private Acts of 1949, Chapter 881

SECTION 17. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 18. That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of, or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of Clay County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

SECTION 19. That said Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Clay County as if such cases had originated in said Court of General Sessions, and shall have the power to issue executions on judgments rendered by Justices of the Peace.

SECTION 20. That the Legislature expressly declares that each section of this Act is severable and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 21. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 24, 1949.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Clay County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 160, amended Chapter 37, Acts of 1919, which act authorized and empowered the Criminal Judges and the Judges of the Circuit Courts having criminal jurisdiction to appoint the foreman of the respective grand juries so as to exempt Clay, Overton, and Pickett Counties from its provisions. A general repealing clause repealed all acts in conflict.
2. Private acts of 1925, Chapter 773, repealed Chapter 160, Private Acts of 1923, above, which exempted the counties mentioned from the provisions of the 1919 Act, Chapter 37.
3. Private Acts of 1927, Chapter 156, also amended Chapter 37, Acts of 1919, so as to exempt another County (Pickett County, according to the population figures).
4. Private Acts of 1929, Chapter 806, created a Board of Jury Commissioners for Clay County. The act prescribed the qualifications, method of appointment, term of office and duties of said Commissioners and their compensation, and the duties of the Secretary of the Board. It further defined the qualification of jurors and the manner of their selection for the Criminal and Circuit Courts, including the Grand Jury and its foreman. The duties of the Judges, the Clerks, and the Sheriff were spelled out and provisions made to punish violators of the terms of this law. This was a well written, comprehensive piece of legislation which was superseded by the state law referred to in the opening statement of this section.
5. Private Acts of 1929, Chapter 932, again repealed entirely and specifically, Chapter 160, Private Acts of 1923, as it was amended, which would make these counties which exempted themselves again subject to the provisions of the 1919 Act, Chapter 37. Clay County however, provided for this matter in their law setting up the Board of Jury Commissioners which is outlined above.
6. Private Acts of 1931, Chapter 723, pertains to the same subject of the Judges of the Criminal Courts and the Circuit Courts having criminal jurisdiction appointing the Foreman of the Grand Jury in their respective counties. This particular act applied only to Overton County which exempted itself from the 1919 act.
7. Private Acts of 1933, Chapter 854, amended Chapter 806, Private Acts of 1929 by changing the number 42 to 30 in Sections 3 and 4 of the act so as to reduce the number of jurors to that figure. The act was further amended by striking the fourth and fifth paragraphs in Section 4 and inserting a provision which stated that after the Grand Jury has been formed, the twelve jurors whose names are first drawn shall be the Petit Jury, and the remaining six persons on the list shall be designated by the court as Special Petit Jurors.
8. Private Acts of 1953, Chapter 204, further amended Chapter 806, Private Acts of 1929, to the effect that previous Jury service on regular panel within two years shall not disqualify a person from jury service.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Clay 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 1870 (2nd Ex. Sess.), Chapter 32, divided Tennessee into twelve chancery districts, assigning Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay Counties to the Fifth Chancery Division.
2. Acts of 1870 (2nd Ex. Sess.), Chapter 47, established court terms for the county chancery courts in the Fifth Chancery Division. Clay County's Court terms would begin on the fourth Monday in June and December.
3. Acts of 1881, Chapter 17, changed the beginning dates of terms in the Fifth Chancery Division. Clay was changed to the fourth Monday in May and November.
4. Acts of 1885 (Ex. Sess.), Chapter 20, again divided Tennessee into eleven chancery divisions. The Fifth Division was composed of Cumberland, Fentress, Pickett, Overton, Jackson, Putnam, White, DeKalb, Smith, Macon, and Clay counties. Court terms in Clay County would start on the second Monday in April and October.
5. Acts of 1891 (Ex. Sess.), Chapter 11, changed the terms of the Fifth Chancery Division moving Clay County to the first Friday after the fourth Monday in March and September.
6. Acts of 1895, Chapter 15, again changed all the court terms in the Fifth Chancery Division to which DeKalb, Macon, Jackson, Overton, Pickett, Fentress, Cumberland, White, Smith, Putnam, and Clay counties belonged. Clay County terms would start on the last Monday in March and

September.

7. Acts of 1897, Chapter 43, reorganized the judicial structure of the State. Clay County remained in the Fifth Chancery Division along with the same counties but the beginning of court terms was changed to the last Monday in April and October.
8. Acts of 1897, Chapter 160, changed the court terms for the chancery court of Clay County only to the last Monday in February and September.
9. Acts of 1897, Chapter 294, rearranged all the court terms for the counties in the Fifth Chancery Division. Counties remained unchanged in the division but Clay's court terms were named to start on the fourth Monday in February and September. Chancellors and Judges could interchange in the Fifth.
10. Acts of 1899, Chapter 427, separated the State into ten Chancery Divisions. The Fourth Division consisted of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale Counties. The starting dates for the terms in Clay remained on the fourth Monday in February and September.
11. Acts of 1901, Chapter 385, changed the chancery court terms for Clay County only to the fourth Monday in March and September.
12. Acts of 1903, Chapter 97, changed the starting dates for the Fourth Chancery Division court terms but left Clay County's on the fourth Monday in March and September.
13. Acts of 1905, Chapter 120, again altered the initial days for the Chancery Courts in the Fourth Division but did not bother Clay County.
14. Private Acts of 1911, Chapter 507, was also devoted to rearranging the starting dates for the chancery court terms in the Fourth Chancery Division but did not mention Clay County in the Act.
15. Private Acts of 1927, Chapter 40, changed the schedule for the chancery courts of Trousdale, Macon, Smith, and Pickett Counties but no others in the Fourth Chancery Division were affected.
16. Private Acts of 1927, Chapter 406, changed the chancery court terms for Clay and Cumberland Counties. Clay's terms of court would start on the fourth Monday in January and July.
17. Private Acts of 1943, Chapter 170, changed the dates for the Chancery Court terms in Clay County from the 4th Monday in January and July to the second Monday in April and October.

Circuit Court

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

1. Acts of 1870 (2nd Ex. Sess.), Chapter 31, set up the 15 Judicial Circuits and the one Special Circuit for Shelby County in Tennessee. The Fifth Circuit had Overton, DeKalb, Putnam, White, Smith, Jackson, Macon, and Clay if it were established. Circuit Court terms would start on the second Monday in January, May, and September in Clay County.
2. Acts of 1872 (Ex. Sess.), Chapter 15, changed the court terms in the Fifth Judicial Circuit switching Clay County to the first Monday of January, May and September.
3. Acts of 1873, Chapter 22, detached Trousdale County from the 7th Judicial Circuit and placed it in the 5th which necessitated a change in court terms for all the counties. Clay's would begin on the fourth Monday in December, April, and August but no change would take place until the next term of Court.
4. Acts of 1875, Chapter 137, provided that the terms of the Circuit Court in Clay County, after June 1, 1875, would begin on the fourth Monday of January, May, and September instead of the dates listed in Item 3 above.
5. Acts of 1877, Chapter 124, changed the commencing dates of the circuit Court in Clay County to the first Monday after the fourth Monday of January, May, and September.
6. Acts of 1881, Chapter 92, rearranged all the court terms in the Fifth Circuit Court in Clay County to the first Monday in February, the first Monday after the fourth Monday in May, and the first Tuesday after the fourth Monday in September.
7. Acts of 1882 (Ex. Sess.), Chapter 7, Section 2 amended the act above in Item 6 so that the last term of the Circuit Court in Clay County would begin on the first Monday in October rather than on the first Tuesday after the fourth Monday in September.
8. Acts of 1885 (Ex. Sess.), Chapter 20, rearranged the state's chancery divisions and judicial circuits. The Fifth Circuit had Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale. The terms of court in Clay County would begin on the first Tuesday

after the fourth Monday in February, June, and October. See Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).

9. Acts of 1887, Chapter 12, changed court terms for all the Fifth Judicial Circuit which was composed of the same counties. Circuit Court terms for Clay County would begin on the fourth Monday after the fourth Monday in January, May, and September.
10. Acts of 1891, Chapter 46, amended Chapter 12, Acts of 1887, above, so as to change the terms for the Clay County Circuit Court to the last Monday in February, June, and October.
11. Acts of 1891 (Ex. Sess.), Chapter 3, changed court terms for some of the counties in the Fifth Circuit but did not change Clay.
12. Acts of 1897, Chapter 43, was a reorganizational act for both the Fifth Chancery Division and the Fifth Judicial Circuit. Clay remained in the Fifth with Putnam, White, Overton, Jackson, Smith, Trousdale, Cumberland, and Macon. The court terms for Clay would start on the last Monday in February, June, and October.
13. Acts of 1897, Chapter 294, changed all the circuit court terms in the Fifth Circuit shifting Clay County to the fourth Monday in February, and the third Monday in June and October.
14. Acts of 1899, Chapter 427, divided the state into 14 Judicial Circuits. The Fifth was composed of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon. Court terms for Clay County remained as stated in Item 13, above.
15. Acts of 1901, Chapter 324, rearranged court terms throughout the Fifth Judicial Circuit. Clay County Circuit Court would commence on the fourth Monday in February, June, and October.
16. Acts of 1907, Chapter 122, was also concerned with court terms in the same circuit but did not affect Clay County in any way. A separate Criminal Court was created for the Fifth Judicial Circuit in 1907.
17. Acts of 1909, Chapter 547, also amended acts to change Circuit times for Trousdale County only.
18. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized Tennessee into twenty Judicial Circuits. Clay County remained in the Fifth Circuit with White, Overton, Jackson, Putnam, Cumberland, and Pickett Counties. The civil division court terms for Clay County would begin on the second Monday in January, May, and September.

Circuit Court - Clerk

The following act has no current effect, but once applied to the Clay County Circuit Court Clerk.

1. Public Acts of 1903, Chapter 255, determined the salaries of Circuit Court Clerks according to population figures. Those counties having a population of 15,000 or under, would pay their Circuit Court Clerks \$500 a year, provided they filed a sworn itemized statement with the County Judge, or Chairman, showing the amount of fees collected by his office. If the fees were less than the salary, the county would pay the difference to the Clerk but, if the fees exceeded the salary, the Clerk could retain the excess.

Criminal Court

The following acts once pertained to the Clay County Criminal Court, but are no longer current law.

1. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, which reorganized the entire judicial structure of the State into 20 circuits and 14 Chancery Divisions, showed Trousdale, Smith, Wilson, Macon, Jackson, Overton, Putnam, White, and Clay Counties to be in the criminal section of the Fifth Judicial Circuit with court terms for Clay County to begin on the fourth Monday in February, June, and October.
2. Public Acts of 1977, Chapter 444, divided the Criminal Court of the Fifth Judicial Circuit into two divisions. Clay County was in division one and court was held on the fourth Mondays in February, June, and October. The second division was transferred to the Twenty-fifth Judicial Circuit in Public Acts of 1978, Chapter 798.
3. Private Acts of 1984, Chapter 160, attempted to amend the Private Acts of 1949, 1963, and 1973, Chapters 285, 227, and 145 respectively. The Private Acts of 1984, Chapter 160, sought to redefine the qualifications for the judge of the General Sessions Court of Clay County by requiring that the judge be at least 30 years of age, shall have been a resident of the state for five years and of Clay County for one year. This act was not acted upon by local authorities and therefore did not become operative.

District Attorney General - Assistants and Criminal Investigators

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

purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 381, created the office of Assistant Attorney General for the Fifth Judicial Circuit who would serve at the pleasure and direction of the Attorney-General and who must be learned in the law and not under twenty-five years of age. His salary would be \$1,800 annually payable from the state treasury. This act was specifically repealed by Chapter 166, Private Acts of 1919.
2. Private Acts of 1919, Chapter 166, repealed Chapter 381, Private Acts of 1907, Item One, above, in its entirety.

General Reference

The following acts are listed below for historical purposes and no longer have any local effect.

1. Acts of 1870, (2nd Ex. Sess.), Chapter 90, amended Chapter 29, Acts of 1870 (2nd Ex. Sess.) which created Clay County, by providing that when both of the parties to a lawsuit reside in Clay County, the suit may be remanded to that county upon the application of either part, and the Clerks of the various courts will prepare the transcripts necessary to accomplish the same.
2. Public Acts of 1897, Chapter 124, may have been the first of the statewide acts setting salaries for the Clerk and Master, Clerks of the County, Circuit Special, and Criminal Courts, County Trustees, County Registers, Sheriffs, and in this case, the Clerks of the Supreme Court, all based on the population of the county. This act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
3. Public Acts of 1915, Chapter 117, Section 1, created a position of Special Court Stenographer for the Judge of the Fourth Judicial Circuit.
4. Private Acts of 1915, Chapter 461, removed the disability of minority from Tony B. Maxey so that he could be appointed as a Deputy County Court Clerk and all his deeds and actions as such Deputy Clerk would be as legal and binding as if he were an adult.
5. Public Acts of 1939, Chapter 156, created officially a position of Stenographer for the Judge of the Fifth Judicial Circuit to which Clay County belonged. This Act was repealed by Chapter 134, Public Acts of 1967.

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