



April 02, 2025

Court System - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

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

Table of Contents

Court System - Historical Notes	3
--	----------

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 A general repealing clause repealed all acts in conflict.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 Private acts of 1925, Chapter 773, repealed Chapter 160, Private Acts of 1923, above, which exempted the counties mentioned from the provisions of the 1919 Act, Chapter 37.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.

Source URL: <https://www.ctas.tennessee.edu/private-acts/court-system-historical-notes-12>