



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter V - Court System

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,

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Chapter V - Court System

Board of Jury Commissioners - Jurors

Private Acts of 1947 Chapter 53

COMPILER'S NOTE: This Act may be superseded by Tennessee Code Annotated Section 22-2-101.

SECTION 1. That for each County in this State having a population of and (sic) not less than four hundred thousand and not over five hundred thousand under the Federal Census of 1940, or any subsequent Federal Census, there is hereby authorized to be created a Board of Jury Commissioners. The members of said Board shall be appointed by the Judge or Judges of the Circuit Court, or Courts, as the case may be, in each of said Counties, acting jointly with the Judges of the Criminal Court, if such there be in such Counties. Said Board shall consist of three discreet persons who are householders or freeholders of the County, and who are not practicing Attorneys at Law, or State or County officers, and who have no suit pending in any of the said Circuit or Criminal Courts at the time of their appointment. No more than two of the said Commissioners shall belong to the same political party. On the first appointment, one of said Commissioners shall be appointed to serve for one year, one for two years, and one for three years; all vacancies which may occur in said Board, either from death, resignation, or otherwise, shall be filled in the same manner and by the same authority as the original appointment, for a three-year term. Such vacancy may be filled immediately upon receipt of satisfactory notice thereof.

The Clerk of the Circuit Court is hereby created (sic) the Clerk of said Board, and whenever any member of said Board shall fail, refuse, or be unable to discharge any of the duties imposed by this Act upon said Board, the two remaining members of said Board shall perform the duties required of said Board temporarily; the performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or certificate of a reputable physician, that any member of said Board is unable for any reason to perform the duties required of such member.

As amended by: Private Acts of 1972, Chapter 322

SECTION 2. That the Jury Commissioners, before entering upon the discharge of their duties, shall take and subscribe before any Judge of the Circuit or Criminal Courts the following oath, viz:

"I, A.B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the County of _____ (filling in name) to the best of my knowledge and ability, and that I will not place the name of any person on the jury list of said County, or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my (sic) knowledge solicited or had another to solicit his name to be placed (sic) on the jury list, or in the jury box; that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some Court of Justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

SECTION 3. That immediately after their appointment and qualification by the taking of said oath, said Jury Commissioners shall meet and organize by electing one of their members as Chairman, and by requiring the Clerk of the Circuit Court to take and subscribe to an oath to faithfully discharge the duties of Clerk of said Board, as required by law, and not to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some Court of this State. This oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of the Commission.

SECTION 4. That it shall be the duty of said Jury Commissioners to select from the tax books, permanent registration lists, and poll books of the County, and from any other sources of information available to them, and write on pieces of paper, separately, the names of 20,000 upright and intelligent men of fair character and sound judgment, resident citizens of the County, who are eligible for jury service according to the qualifications of jurors as now prescribed by law; said names, when so compiled by said Commissioners and listed as hereinafter provided, shall constitute the jury list of said County until, in the judgment of the majority of Judges of said Courts, it has become necessary to make a new list, at which time a new list shall be prepared upon an order of said majority of Judges to said Commissioners, and said list shall be prepared in like manner as hereinbefore directed. The Clerk of said Board of Commissioners shall purchase for said Board a suitable and well-bound Permanent Record Book, in which the names of

said persons so found to be eligible for jury service and selected by said Commissioners, shall be recorded by said Clerk. At the top of each page of said book shall be written or printed the words "Jury List for _____ County" (filling in the name of the County). Said book shall be so ruled as to leave a space at the lefthand side of each page for the names, and at the right-hand side for such entries as are hereinafter provided for. Said book shall be a permanent record of said Courts.

Preceding the list of names in said book shall be written these words on each page: "Jury List selected by the Board of Jury Commissioners for _____ County, the _____ day of _____" (filling in the name of County and date). Immediately following this shall be recorded the names of said persons eligible for jury service, placing one name on each line; arranging the names in alphabetical order and numbering them consecutively, beginning with number 1, but no name shall be placed on said list except by a majority vote of the Board of Jury Commissioners. At the end of the list shall be written and signed by the Commissioners the following: "We certify that the foregoing is the Jury List selected by us the _____ of _____." The Clerk of said Board, after said Jury List is recorded in said book, as aforesaid, shall deposit each of said pieces of paper containing a name selected by said Commissioners, in a box and label said box "Jury Box No. 1". Said box shall be securely locked and sealed by said Clerk and so kept by him until he is ordered by the Judges of said Courts to break said seal and unlock said box, and said seal shall be broken and said box unlocked only in the presence of two or more of said Judges, as may be convenient. At the said time said Jury Box No. 1 is prepared, the Clerk shall prepare another box and label same "Jury Box No. 2", to be used as hereinafter directed. Said Book containing said Jury List and said Jury Boxes shall be kept by said Clerk under lock and key and no inspection of same shall be permitted except by two or more of said Judges or said Jury Commissioners.

For recording said Jury List in said Book, said Clerk shall be entitled to a fee of ten cents for each name upon said list, to be paid by the County on the certificate of two or more of said Judges that said service has been rendered by said Clerk, and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said Jury List and said Jury Boxes, and the keeping thereof, which said Clerk is required to perform under this Act.

Immediately upon the Jury Commissioner compiling the number of names necessary to complete the Jury box, and having prepared pieces or slips of paper therefor, with the names of the prospective jurors, such pieces or slips of paper, containing such proposed jury lists shall be submitted to the Judges, whose duty it shall be to look over said lists and take therefrom the pieces of slips of paper containing the names of such proposed jurors as the Judges are of the opinion are ineligible or incompetent, for any reason, to serve as jurors. Said pieces or slips of paper so removed by the Judges shall be placed in an envelope or envelopes, sealed, and delivered to the Chairman of the Jury Commission, and upon receipt of these pieces or slips of paper by the Chairman of the Jury Commissioner, shall call the Jury Commission together and they shall substitute the names of other persons to take the place of those removed by the Judges, and shall destroy such pieces or slips of paper containing the names returned by the Judges.

As amended by: Private Acts of 1951, Chapter 550,
Private Acts of 1965, Chapter 105.

SECTION 5. That not less than twenty days, nor more than twenty-five days, before each Regular or Special Term of the Circuit Court of (sic) Criminal Court of any County, to which said Act applies (or such less time as the Judges may order), said Board shall unlock the Jury Box No. 1; break the seal thereof, and after having well shaken the same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blind-folded, such number of names as may be ordered to be taken therefrom by the Judges of said Courts from which to impanel to petit and trial juries for the respective terms of said Courts. In the event the Circuit Court is being held in continuous term, said Board shall draw such names when the Judges of the Circuit Court direct.

In the event the name or names of persons known by the Commissioners to have died or removed from the County, or to be mentally or physically disabled, should be drawn from said box, a line shall be drawn through such name upon said Jury List, and the death, removal, mental or physical disability shall be noted beside said name, or on the same line therewith, and the piece of paper containing said name shall be destroyed and another name shall be drawn from said box in lieu of said name to be dealt with, and a like proceeding shall be had in case where the name of any person shall be drawn from said box who, for any reason than that above set out, is not liable to or is ineligible to jury service. When in the manner above required the number of names of persons eligible to jury services has been drawn from said box, required by the order of the Judges of said Courts and certain of them impaneled on the jury, the slips on which the names of said persons shall have been written and drawn from said Box No. 1 shall be immediately placed in an envelope, which envelope shall be thereafter sealed, and shall be endorsed by the Clerk with the date of the drawing of said names, and said envelope shall be placed by said Clerk in said Box No. 2, and shall remain there until the period of three years from the date of said drawing, when said envelope shall be opened by said Clerk in the presence of one or more of said Commissioners, or one

of said Judges, and said names shall again be deposited in said Box No. 1. After the number of names of persons eligible for jury service have been drawn from said Jury Box, as required by the order of said Judges, a report shall be prepared by the Clerk of said Board substantially as follows:

"To the Honorable _____ Court of _____ County (filling in the name of the Court or County as the case may be): We, the Jury Commissioners for said County, respectfully report the following list of persons eligible for jury service on petit and trial juries for said Court which have been drawn, according to law, for the _____ term of said Court, viz.: (filling in the blank before the word "term", and then copying the names from the Jury Box). In the event the Court is being held in continuous term the words "for the _____ Term of said Court" shall be omitted.

The report shall be delivered to the Clerk of the Circuit or Criminal Court according to the Court for which said panel has been drawn and by him filed in his office with the date of such filing thereon. Thereafter, and at least five days before such panels are needed by the Courts, the Clerk of the Court shall issue to the Sheriff a writ of venire facias commanding him to summon the persons whose names are set out in said reports as jurors for said Courts, and it shall be the duty of the Sheriff to summon said persons to appear on a day specified by the Judge or Judges and from such persons the Court shall impanel the trial juries as they are needed.

In the event that by reason of the disqualification of the proposed jurors, or other causes, the required number of jurors cannot be obtained from said persons so summoned, the Clerk of the Circuit Court shall produce in open Court the Jury Boxes, and Jury Box No. 1 shall be opened and there shall be drawn therefrom, in the manner provided for the original drawing, the number of names deemed by the Judge of said Court to be sufficient to complete the jury or juries. This drawing, however, need not be in the presence of the Jury Commissioners, but will be sufficient if done in open Court. Such drawing from the Box, as last provided for, may continue by order of the Court until the jury is completed.

For and during the present national emergency, the various Judges shall have the right in the event they cannot procure the necessary number of qualified jurymen, submitted to them by the Jury Commission, to select qualified jurors from the body of the County-at-large, as are necessary to complete the panels for that term of Court.

As amended by: Private Acts of 1951, Chapter 550,
Private Acts of 1965, Chapter 105,
Private Acts of 1975, Chapter 85.

SECTION 6. That the Clerk of each Court subject to the provisions of this Act shall procure and keep in his office as a public record a well-bound book in which said Clerk shall keep a list of the jurors who serve upon juries in said Court, and this list shall be alphabetically arranged and shall show the date when each juror was placed upon the jury, and each day that each juror was in attendance upon the Court; and, if not in actual attendance, was subject to call to do jury duty at any time by the Court, so that by examination of said Book it may be at any time ascertained how many days during the said three year period each juror has served upon the jury or been impaneled upon the jury, ready for service and liable at any time to be called thereto; and this record shall be a public one and subject at all times to inspection, during the time that the office of the Clerk of said Court shall be open for business, and said Book shall be duly and correctly posted by the Clerk at the end of each day's sitting of this Court. Said Book shall be known as the "Jury Service Book" in each Court, and each page of said Book shall contain at the top the name of said Book. Said Book shall be properly ruled so as to be easily kept and clearly understood.

SECTION 7. In the selection of the grand jury, the judge or judges of the criminal court, as the case may be, shall be restricted to a list to be designated "Grand Jury List", containing a minimum of 500 names per term, prepared by the jury commission at the request of the judge impaneling said grand jury. In the event this list is exhausted without the selection of the grand jury, such judge, or judges of the criminal court, shall request from the jury commissioners a supplemental list. To be eligible for grand jury service, the individual must be a householder or freeholder and a registered voter and must not have made any effort, directly or indirectly to become a member of the grand jury. The above qualifications shall be determined by the judge by asking such prospective grand juror, under oath, questions concerning the above qualifications. In counties where there are more than one criminal judge, the judges shall alternate in the selection of a grand jury and its foreman. Beginning with the next term of court following the passage of this Act, the judge of the first court or division as the case may be, shall select the entire grand jury and its foreman. The following term, the judge of the second court or division, shall select the entire grand jury and its foreman, and the next term the judge of the third court or division shall select the entire grand jury and its foreman. Such grand jurors shall serve for the term of the court so designated. However, the judge of the court appointing said grand jury is authorized to accept a juror for service upon said grand jury for a three (3) week period, and upon completion of service of such three (3) week period, to replace such grand jury member by an alternate juror chosen from the original grand jury list

heretofore referred to. In this manner a person will only be required to serve a minimum of three (3) weeks should he otherwise have a hardship.

As amended by: Private Acts of 1947, Chapter 498
Private Acts of 1972, Chapter 322

SECTION 8. That the Judge or Judges if (sic) the Circuit or Criminal Court, after securing the jury lists, shall select from such lists the trial juries so as to best serve the needs of the Courts and justice. Jurors shall be assigned to trial panels in such numbers as are needed and to serve at such time as the Court requires, having regard to the individual needs of each juror. Jurors for all the Circuit Courts may be selected by one or more of the Judges thereof, jurors for all the Criminal Courts may be selected by one or more of the Judges thereof. If a juror shall not be available for service on the next trial panel of jurors, he may be assigned, in the discretion of the selecting Judge to the first trial panel of jurors for which he is available.

As amended by: Private Acts of 1949, Chapter 358
Private Acts of 1963, Chapter 167
Private Acts of 1975, Chapter 85

SECTION 9. That whenever the Judge of any Circuit or Criminal Court in any County subject to the provisions of this Act shall be satisfied that a jury in cause pending in his Court cannot be obtained from the number of persons ordinarily summoned, such Judge may at such time, previous to the hearing of the cause as he may deem best, cause the Jury Box to be brought into open Court and such number of names as he deems sufficient drawn therefrom, said drawing to be done in the manner last above provided for in order to obtain such jury, and the Sheriff shall summon the persons whose names are so drawn; and from the persons whose names are so drawn, said jury shall be made up, if practicable; and if not, another number of names shall be drawn from said Box in the same manner as hereinbefore directed and summoned instanter, and so on until the jury is completed. It shall be a misdemeanor for any person to make, request, directly or indirectly, of said Clerk or either one of said Commissioners, or other person, to have his name placed upon said Jury list. Actual service upon a jury in the Circuit of (sic) Criminal Courts of any County affected by this Act, for three weeks during any three years shall exempt the person so serving from jury duty and make him ineligible to further service during the three years in which such service shall take place, except in the cases hereinafter provided for. The years for which such person is exempt, under the language above set out, shall be counted to run from the date which the name of said person was drawn from the Jury Box No. 1, and placed in a marked and sealed envelope and deposited in Jury Box No. 2, as hereinbefore provided, and where such exemption is sought to be shown by any person summoned for Jury service, the entries of the Clerk upon the Jury Service Book, hereinbefore provided for, shall be the only competent evidence of service for the time required by the person claiming exemption from jury service on account of service upon the jury for the time above required, and in computing the time of actual service under the provisions above, the Court shall construe "actual service" to mean not only the days which said Jury Book may show said person claiming such exemption to have been actually sitting on the jury in the trial of causes, but also those days during which said person may by said book be shown to have been subject to call at any time from his business, or in actual attendance upon the Court, though not actually sitting upon the cause on trial.

SECTION 10. That any person summoned to serve as a juror in the Circuit or Criminal Court of any County, subject to the provisions of this Act, may present to the Court in which he may be summoned such excuse as such person may have at any time before being selected as a member of the jury, and the Court may thereupon excuse, or not excuse, said persons from service as jurors, according to the sound judgment and discretion of the Court; but, in the event such person shall be excused by the Court, his name shall be replaced in Jury Box No. 1, and this shall be done in the case of any and all persons eligible to jury service, excused for any reason which, in the sound judgment of the Court, temporarily exempts said person from jury service. But in case a person shall be excused from jury service by the Court for the reason that such person under the law is not eligible to jury service, the name of such person, so excused, shall not be again placed as above stated in Jury Box No. 1, and the piece of paper, showing such name, shall be destroyed and a line drawn through said name on the jury list by the Chairman of the Jury Commission, who shall immediately cause substitute names, selected by the Jury Commission.

As amended by: Private Acts of 1951, Chapter 550

SECTION 11. That from time to time as may be necessary, and for the purpose of replenishing or adding to said Jury List such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners may add additional names to said Jury List of persons eligible to jury service, and each of said names, so added to said list, shall be written upon a piece of paper and placed in said Jury Box No. 1, following the same procedure and in the same manner as above provided.

SECTION 12. That it shall be a misdemeanor for any Jury Commissioner or the Clerk of the Court or the Sheriff of any County or any of his deputies in said County, subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners, or to notify any one what name or names appear upon said

Jury list, or appear upon any regular or special venire to be summoned for use in any Court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by the Act. It shall also be a contempt of Court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, or any other person to hold any Jury Box except as authorized by the provisions of this Act, or to destroy, deface, or remove without authority, or to add any name to any Jury list or to assist in or connive at any such acts, or for any custodian of a Jury Box or List to knowingly permit such acts to be done.

SECTION 13. That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall also have the right and authority to remove any or all of such Jury Commissioners for cause and upon due hearing for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge, or Judges, appearing, upon giving five days notice to said Commissioners or Commissioner of the time and place of taking action thereon and the grounds therefor.

SECTION 14. That it shall be a misdemeanor for any person, in any County subject to the provisions of this Act, to serve upon any jury in the Circuit or Criminal Courts of said County for more than three weeks in any three years dating from the time the name of such person is drawn from said Jury Box No. 1, unless at the end of this three weeks service he shall be engaged in the hearing of a cause as a juror, which cause shall not then be concluded, in which event such person shall sit until the end of said cause without offending against this Act.

SECTION 15. That the Jury Commissioners provided for by this Act shall receive ten dollars each for each and every day's service while actually engaged in the performance of the duties required of them in this Act. Their service will be certified by the Clerk of the Board to the County Judge of the County, who will, thereupon issue paper warrants for their payment by the County Trustee.

As amended by: Private Acts of 1947, Chapter 497

SECTION 16. That all books and boxes and other things required by this Act to be purchased by the Clerk of said Board of Commissioners shall be paid for by the County for whose use they were purchased in the manner now provided by law.

SECTION 17. That in the absence of fraud no irregularity with respect to the provisions of this Act shall affect the validity of any action of a Grand Jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the Jury is sworn.

SECTION 18. That the provisions of this Act shall apply to all grand, petit, or trial juries in all Circuit and Criminal Courts of this State in Counties subject to the provisions of this Act; provided, the above provisions limiting jury service to three weeks shall apply only to petit or trial juries.

SECTION 19. That all Circuit and Criminal Courts of this State in Counties subject to the provisions of this Act that have selected petit or trial juries for the current terms under the provisions of Acts repealed by this Act, and are now in regular session, shall either discharge said juries and proceed to organize said Courts under the terms and provisions of this Act, if such Courts and Judges thereof so elect, or they may continue the trial of cases in such Courts until the end of the current terms, and organize the next subsequent terms under the terms and provisions of this Act. Any indictments heretofore returned by Grand Juries and in all criminal cases pending in Circuit or Criminal Courts of Counties in this State to which this Act applies, are hereby declared legal, and the passage of this Act shall not affect in any wise any prior acts of Grand Juries or Trial Juries in Counties in this State to which this Act applies.

SECTION 20. That the Judges of the said Courts may, acting within the limitations and framework of this Act, formulate, make, and put into effect such demands and procedural rules and regulations, applicable alike to all of the said Courts, as may be necessary or proper to efficiently work out and put into practice the selection of juries as herein provided.

SECTION 20-A. In addition to the foregoing method of providing names for jury venires, the following alternative method is authorized. In event said Judges find that the roll of all the registered voters in such counties is so tabulated and arranged that names can be selected therefrom by mechanical or electronic means in such manner as to assure proportionate distribution of names selected without opportunity for the intervention of any human agency to select a particular name, then and in that event, such Judges may authorize the Jury Commission to obtain names for jury venires from such source and by such method, under such rules as may be prescribed by said Judges.

Such rules may prescribe intervals and times of selection of names other than those set out elsewhere in this Act in order to facilitate the process provided in this Section.

The means of providing names for jury venires as otherwise provided by this Act shall remain available to

the Courts and may be used at any time when any of the Judges find the means provided by this Section is impractical or by all the Judges whenever they determine such other method is preferable.

As amended by: Private Acts of 1967-68, Chapter 329

SECTION 21. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 22. That this Act take effect and be in force from and after February 4, 1947, the public welfare requiring it.

Passed: January 22, 1947.

Criminal Court

Clerk

Acts of 1855-56 Chapter 149

SECTION 1. That so much of the act passed January 27, 1842, entitled "An act to establish a Criminal Court in the County of Davidson," which requires the Clerk of the Circuit Court of Davidson to attend said Criminal Court and perform the duties of Clerk thereof, be, and the same is hereby, repealed.

SECTION 2. That hereafter a Clerk for said Criminal Court of Davidson County, shall be elected by the voters of said County, for the same term of years, and at the same time, that Clerks of the Circuit Court are now elected by law. The said Clerk shall perform all the duties as Clerk of said Criminal Court, and receive the same fees and compensation therefor as now allowed by law. He shall execute bond, with security, in the sum of five thousand dollars, to be approved by the Court, conditioned for the faithful performance of the duties of his office, and the payment to those entitled of all fines, forfeitures, and other moneys coming into his hands by virtue of the same; and he shall be liable upon said bond, by motion or otherwise, in the same manner that Clerks of the Circuit Courts are now made liable.

SECTION 3. That all the records and other papers belonging to said Criminal Court of Davidson County, now in the possession of the Circuit Court Clerk of said County, shall be delivered to the said Clerk of the Criminal Court upon his being installed into office after the first election, which shall take place at the next election for Clerks of the Circuit Courts.

Passed: January 19, 1856.

General Sessions Court

Environmental Court

Public Acts of 1993 Chapter 212

SECTION 1. The metropolitan council of any county having a metropolitan form of government may designate Division IV of the county's general sessions court as the Environmental Court.

SECTION 2. In making such designation, the judge of Division IV is granted the additional power to issue injunctions, both mandatory and prohibitory, as provided in Rule 65 of the Tennessee Rules of Civil Procedure. The judge may order any defendant found guilty of violating any metropolitan ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. In a case involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge may appoint a master to aid the court. Rule 53 of the Tennessee Rules of Civil Procedure shall govern the appointment, power, and duty of the master.

SECTION 3. The judge may also punish a person for contempt who, having been ordered to correct a violation of any metropolitan ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by court order. The punishment for contempt in such case is limited to a monetary penalty of not more than fifty dollars (\$50) and confinement for not more than five (5) days for each violation.

SECTION 4. This act shall take effect July 1, 1993, the public welfare requiring it.

Passed: April 12, 1993.

Juvenile Court

Private Acts of 1953 Chapter 390

COMPILER'S NOTE: Private Acts of 1953, Chapter 390, should be read in conjunction with the general law on Juvenile Courts, T.C.A. 37-1-101, et seq. T.C.A. 37-1-101(c) declares that private acts relating to juvenile courts are not invalidated by the general law on juvenile courts and proceedings unless the private acts are inconsistent or in conflict with the provisions of such general law.

SECTION 1. That there is hereby created and established in and for Davidson County, Tennessee, a Court with the title and style of JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE. Such Court shall be a Court of record, presided over by a Judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Davidson County, and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court.

SECTION 2. That when used in this Act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Davidson County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said county.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said county, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of seventeen years.
- (e) "Adult" shall mean a person who is seventeen years of age or older.
- (f) "County" shall mean Davidson County in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Davidson County or any of his Deputies, any Constable of said County, and any Police or Truant Officer of said County or of any Municipal Corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine, when not inconsistent with the intent of the Act.

SECTION 3. That the Court shall have exclusive original jurisdiction in said County of all cases arising in or triable in said County of any person under the age of seventeen (17) years, who may be charged with the violation of any city ordinance, or who may be charged with the commission of an offense against the State except wherein the offense is rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court, but in any such case which may come before the Court wherein any person under seventeen years of age is charged with rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court and the Judge of the Court shall conclude that there is probably cause to believe that the child has been guilty of the crime of rape, murder in the first degree or murder in the second degree, or has been found to be incorrigible, the Court shall at once dismiss said cause and assume no further jurisdiction thereof, and then at once remand said child to the Sheriff of the County to be dealt with for his alleged offense as provided by criminal laws.

It is the purpose of this Section of this Act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Davidson County as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Sections 10269 to and including 10309 of the Code of Tennessee and any other general laws of the State of Tennessee now in force and effect or hereinafter to become of force and effect; and said Court shall have exclusive original jurisdiction of all non-support, failure to provide, abandonment or desertion cases wherein any person is charged with the non-support or failure to provide for any child under sixteen (16) years of age, or of his wife, or is charged with the abandonment or desertion of such child or wife as provided by the laws of the State of Tennessee, except where such charge shall be made as an incident to bill filed in a Court of competent jurisdiction wherein a prayer is contained for a divorce or a decree awarding separate support and maintenance. The Court shall have exclusive original jurisdiction:

- (a) Concerning any child within said County, or any case arising or triable in said County concerning any child:

- (1) Whose parent or other person legally chargeable with the care, support and maintenance of such child neglects or refuses, according to his means or ability, to provide proper or necessary support, maintenance, education, medical or surgical or other necessary care as contemplated by the general laws of the State, or who is abandoned or deserted by his parent or other person having the legal charge and care of such child;
- (2) Whose occupation, behavior, environment or associations injurious to the welfare of the child;
- (3) Who deserts his home or is habitually disobedient or beyond control of parent or teacher of other lawful custodian;
- (4) Who, being required by law to attend school, wilfully violates the rules of school or absents himself therefrom, or who in any other manner shall be charged with being or designated as a delinquent, as delinquent is defined, contemplated or included in the laws of the State of Tennessee.

(b) To determine the custody or control of the person of any child in said County or in connection with whom any question, case or controversy may arise in said County, or any such questions, case or controversy which by the general law, is triable in said county; except that this Act shall not interfere with the right of a Circuit Judge or a Chancellor to award custody of minor children as a part of a decree of divorce or separate support and maintenance.

(c) That in the event a petition to determine custody or support of any minor child is pending or has been filed, the subsequent filing of a petition for a divorce or for separate support and maintenance in either the Circuit or Chancery Courts of Davidson County, Tennessee, will not effect (sic) the jurisdiction of the Juvenile Court of Davidson County, to the extent that such jurisdiction may already have attached. Likewise, the Juvenile Court shall not entertain any petition filed with respect to support or custody of children where a petition for divorce or for separate support and maintenance between the parents of such child or children is pending.

SECTION 4. That the Court shall have original jurisdiction concurrent with other Courts having such jurisdiction for granting judicial consent to the marriage of any child when such consent would be to the interest or welfare of such child or is required by law.

SECTION 5. That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such Courts.

SECTION 7. That whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases wherein the Court is authorized to so do by provisions of the general laws, or to such institution otherwise made available to the Court through arrangements with the County or State authorities; and where no such institution is made available to the Court, the Judge shall certify the facts and the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

SECTION 8. That the Court shall have jurisdiction to try cases involving the wilful failure or (sic) any husband, without good cause, to neglect or fail to provide for his wife according to his means, leaving her destitute or in danger of becoming a public charge as set forth in Section 11370 of the Code in which case the procedure shall be as provided in Section 11371, et seq., of the Code of Tennessee; and the Court also have jurisdiction to try causes involving the wilful failure to provide for his child under sixteen years of age, leaving such child destitute, as set forth in Section 11379 of the Code, in which case the procedure shall be as provided in Section 11380, et seq., of the Code of Tennessee.

The Court shall further have jurisdiction to try a person charged with violating Section 11370 and/or 11379 of the Code of Tennessee, where the person charged with said offense enters a plea of not guilty; and, after being advised by the Court of his Constitutional right to aid of counsel, the right to be tried upon presentment or indictment by a Grand Jury, the right of trial by jury, and his other Constitutional rights, the defendant agrees to waive presentment or indictment by a Grand Jury and the right of trial by jury of his peers, the Court may proceed to hear and determine said cause.

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

"The defendant, _____, pleads not guilty 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."

The Court thereupon shall proceed to hear said cause and determine it as provided for the determination of such causes in Article XXIX of Chapter 10 of the Code of Tennessee.

Any monies paid into Court under this Section shall be disbursed as the Court may direct.

SECTION 9. That the person who has held, in January, 1953, the position of Judge of the Juvenile and Domestic Relations Court, established under authority of the Private Acts of 1947, Chapter 246, as amended, same being the Charter of the City of Nashville, shall be the Judge of the Juvenile Court of Davidson County and shall serve until the next general election at which time the Judge of the Juvenile Court of Davidson County shall be elected by the people of said County to serve until the next general judicial election, the Judge shall then be elected by the people of the County and shall serve for a term of 8 years and until his successor is elected and qualified (sic). The Judge of said Juvenile Court of Davidson County shall receive a salary of Seven Thousand Five Hundred Dollars (\$7,500.00) per annum. Said Judge shall not be less than thirty (30) years of age and a resident of Davidson County for not less than one (1) year. Said Judge shall take and subscribe to the same oath of office as that prescribed for all judges in the State. Provided, however, that from and after September 1, 1958, the said Judge of said Juvenile Court of Davidson County shall receive a salary of Ten Thousand (\$10,000) dollars per annum. Provided, however, that from and after September 1, 1966, the Judge of said Juvenile Court of Davidson County shall receive the same salary as Circuit Judges and Chancellors under the general laws of this State.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which said Court shall meet and prescribe the sessions at which all persons in the jurisdiction of the said Juvenile Court shall have their cause set for trial.

All monies derived from fees and fines assessed upon conviction of any persons by the Judge shall be paid into the County Treasury of said County.

As amended by: Private Acts of 1957, Chapter 399
Private Acts of 1963, Chapter 285

SECTION 10. That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities and obligations as provided by Sections 10050, through and including 10081 of the Code of Tennessee as applicable to the office. Said Clerk shall give a surety bond for the faithful performance of his duties and the amount to be fixed by the County Judge of Davidson County.

SECTION 11. That the Judge shall appoint, pursuant to Civil Service Provisions applicable to Davidson County Civil Service Employees, and shall designate a Clerk, a Chief Probation Officer, and a stenographer, and such other Clerks, probation officers, matrons, attendants and other employees as may be necessary to carry on efficiently the work of said Juvenile Court, and as may be authorized by the Quarterly Court of Davidson County and as provided herein.

All personnel of the Juvenile and Domestic Relations Court established by the Charter of the City of Nashville, same being of the Private Acts of 1947, Chapter 246, as amended, who held such positions during the month of January, 1953, shall be employees of the Court and hold positions of the same or other comparable to their present positions and at salaries not less than that paid to them during said month.

All personnel or employees employed by the Juvenile and Domestic Relations Court, established as set out in the preceding paragraph, who, during January 1953, were contributing and paying into the Civil Service Employees Pension Fund of the City of Nashville, may continue making such contributions based on the salary received by them during January 1953, plus any increases in compensation which have been or may be received by them from time to time, with all the benefits and rights of disability and retirement as provided by the Charter of the City of Nashville or the Metropolitan Charter of Nashville and Davidson County. Any such employees shall be permitted to pay retroactively into the Civil Service Employees Pension Fund contributions based upon the difference between their compensation as of January 1953 and increases in compensation received after that date. The amount of retirement benefits of said employees shall be computed accordingly. Such employees shall not be subject to the requirements nor have the benefits as provided by the Private Acts of 1943, Chapter 274, as amended, provided such persons accept employment with Davidson County and continue in said employment in the Juvenile Court of Davidson County. In the event any employee or employees shall fail to contribute or pay into the said pension fund, then said employee or employees shall become subject to all the provisions and requirements of Chapter 274, Private Acts of 1943, as to contributions and pensions and disability rights.

Anything hereinabove notwithstanding to the contrary, all personnel and employees of the Juvenile and Domestic Relations Court Established under the Charter of the City of Nashville, and holding positions in January, 1953, who were under City Civil Service, if and when they accept the same position or a comparable position with the Court herein created, shall be brought with the civil service provisions heretofore made respecting employees of Davidson County and they shall be designated civil service

employees and accorded full civil service status as such employees.

An employee of the Court may be removed, discharged or reduced in pay or position only after he has been given the reasons therefor in writing and afforded an opportunity to be heard in accordance with such civil service provisions, rules and regulations.

All officers of the Court shall have the power of peace officers except that they shall not serve process in civil cases unless arising in this Court.

As amended by: Private Acts of 1963, Chapter 2

SECTION 12. That the Chief Probation Officer, under the general supervision of the Judge, shall organize, direct and develop the administrative work of the Court, including the social, financial and clerical work, assign cases for investigation or treatment to the technical and professional employees, and shall perform all such other duties as the Judge shall direct.

SECTION 13. That whenever any person informs the Court that a child is within the purview of this Act, the Court may make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the Court may make such informal adjustment as is practicable without a petition, or a petition may be filed by any person.

The petition shall be verified and may be upon information and belief. It shall set forth plainly the facts which allegedly bring the child within the purview of this Act; and in addition the following facts, if known: (1) name, age, and residence of the child; (2) the names and residence of his parents; (3) the name and residence of his legal guardian, if there be one; (4) names and residences of the person or persons having custody or control of the child, and (5) names and residences of the nearest known relative if no parents or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

SECTION 14. That after a petition shall have been filed and after such further investigation as the Court may or shall direct, a copy of said petition, together with the summons issued by the Clerk, shall be served upon the person or persons having the custody or control of the child, requiring such person or persons to appear personally and bring the child before the Court at the time and place stated. If the person so summoned shall be other than a parent or guardian of the child, the parent or guardian or both shall be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the Court, the Judge may order, by endorsement upon the summons, that the Officer serving the same shall at once take the child into custody.

SECTION 15. That summonses and other process issued in connection with any proceeding in the Court shall be served by an officer of the Court or by any other officer authorized by law to serve process in the County to which the process is directed. Service shall be had in the manner provided by the general laws of Tennessee.

SECTION 16. That the Court shall have all the powers of a Court to cause to be brought before it by proper process and to punish those who refuse to obey its lawful orders and to punish by summary procedure those who are guilty of contempt as the same is defined by law, when such contempt is in the presence of the Court, by a fine or not more than Fifty (\$50.00) Dollars, or by imprisonment of not more than ten (10) days, or both; and that for the purpose of compelling the attendance of witnesses and others whose presence in Court is necessary, and to enforce its lawful orders, judgments and decrees, the Court shall have all the power and authority to issue attachments and other processes to bring such person before the Court.

SECTION 17. That whenever a child is taken into custody, unless it is impracticable or inadvisable or has been otherwise ordered by the Court, he may be released to the custody of a parent, guardian or custodian, upon the written promise of such parent, guardian or custodian to bring the child to the Court at the time fixed. If such person shall fail to produce the child as agreed or upon notice from the Court, a summons or a warrant may be issued for the apprehension of such person or of the child. If not so released, such child shall be taken immediately to the Court or the place of detention designated by the Court. Pending further disposition of the case, a child whose custody has been assumed by the Court may be released to the custody of a parent or other persons appointed by the Court, or be detained in such place as shall be directed by the Court, subject to further orders.

Nothing in this Act shall be construed as forbidding any Peace Officer from immediately taking into custody any child who is found violating any law or ordinance. In every case the Officer taking the child into custody shall immediately bring into the Court said Child, making proper charge against him, and relinquishing custody to the Court, and the case shall then be proceeded with as provided in this Act.

No child shall be confined in any Police Station, Prison or Jail, or be transported or detained in association with criminal, vicious or dissolute persons; except that a child fifteen (15) years of age or older whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facilities for children may, with the consent of the Judge or Chief Probation Officer, be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults.

Neither the fingerprints nor a photograph shall be taken of any child taken into custody for any purpose, without the consent of the Judge.

SECTION 18. That the Quarterly Court of Davidson County shall provide adequate quarters to meet the needs for care of children in custody of the court pending an investigation or hearing and disposition of their case. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

SECTION 19. That all cases of children shall be heard separately from the trial of cases against adults. The hearing shall be conducted in an informal manner, and may be adjourned from time to time. Stenographic notes or other transcript of the hearing shall be required only if the Court so orders. The general public shall be excluded and only such persons admitted as to have a direct interest in the case. The presence of the child in Court may be waived by the Court at any stage of the proceedings.

SECTION 20. That if the Court shall find that the child is within the purview of this Act, it shall so decree and may by order duly entered proceed as follows:

(a) Whenever in the courts of a proceeding instituted it shall appear to the Court that the parents or the surviving parent of a child, or the mother of a child born out of wedlock, have abandoned such child or have substantially and continuously or repeatedly refused, being financially able, have neglected to give such child parental care and protection; or that such parent or parents are unfit by reason of their conduct or condition which is seriously detrimental to the said child, the Court shall have jurisdiction to transfer the care, custody and control of such child to some other person, agency, institution of the State Department of Public Welfare, and may terminate in so far as may be necessary the rights of such parent or parents with reference to such child, provided that the cause shall be retained in Court as provided in Section 21 herein, and the parent or parents may later be granted the right to file a petition seeking the modification of the former order, unless some other Court shall have taken jurisdiction of the matter upon a petition for adoption.

Such transfer or termination shall be made only after a hearing before the Court, and the Court shall cause notice of the time, place and purpose of such hearing to be served on such parent or parents personally at least twenty-four (24) hours before the time fixed for hearing; or if the Court is satisfied that personal service cannot be effected, then such notice may be given by publication thereof in a newspaper in the county once a week for four consecutive weeks prior to the date of hearing.

(b) If a child is abandoned or neglected by one parent the rights of only such parent with reference to such child may be terminated as provided in subsection (a) of this Section, without affecting the rights of the other parent.

(c) Upon the application of the parents or the surviving parent, or the mother of a child born out of wedlock, the Court may order the transfer of the permanent care, control and custody of such child, and if it appears wise, the termination of all the rights of a parent or the parents with reference to such child, provided the Court after a hearing finds such transfer or termination to be in the best interest of the child.

(d) Place the child on probation or under supervision in his home or in the custody of a suitable person elsewhere, upon such conditions as the Court shall determine.

(e) Commit the child to the custody or to the guardianship of a public or private institution, agency, or the State Department of Public Welfare authorized to care for children or to place them in family homes.

(f) Order such other care and treatment as the Court may deem to be for the best interests of the child, except as herein otherwise provided. The Court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

(g) Whenever the Court shall commit a child to any institution, agency, or the State Department of Public Welfare, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution, agency, or the State Department of Public Welfare shall give to the Court such information concerning such child as the Court may at any time require.

SECTION 21. That any decree or order of the Court may be modified at any time upon notice to any person adversely affected.

A parent, guardian, or next friend of a child who has been committed by the Court to a public or private institution or agency, or the State Department of Public Welfare, or placed in the care or guardianship of any person, may at any time file with the Court a verified petition for the release of the child. The Court, upon due notice to all concerning, shall proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parents or guardian or be retained in the custody of the institution, agency or person, or may make any further order.

SECTION 22. That in placing a child under the guardianship or custody of an individual, the Court shall, whenever practicable, select a person or agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

SECTION 23. That the Court may cause any person adjudged to be within its jurisdiction to be examined by a physician, psychiatrist or psychologist.

Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the Court may order the parent or other person responsible for the care and support of such child to provide such care in a hospital or otherwise. If such parent or other person fails to provide such care, the Court may, after due notice, enter an order therefor, and the expense thereof shall be paid from the appropriation provided when certified by the Judge. But if the Court is of the opinion that the parent or other person liable therefor is able to bear such expense and fails or refuses to do so, such person shall be tried as in other non-support cases.

SECTION 24. That in all failures to provide, non-support, abandonment and desertion cases the Court shall have the jurisdiction to make an order of protection and assistance or as a condition of an order for support and maintenance setting forth reasonable conditions of behavior to be observed for a specified time which shall be binding upon husband or wife, or both. Such orders may require either spouse to: (a) stay away from the home or other spouse or children, (b) permit the other to visit the children at reasonable or stated periods, (c) abstain from offensive conduct against the other or against the children, (d) give proper attention to the care of the home, (e) refrain from acts or commissions that tend to make the home an unfit place for the children or the other spouse.

SECTION 25. That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, within the judicial discretion of the Judge, but no salaried officer of the County including the Sheriff and his salaries deputies and no salaried officers of any municipality therein shall be entitled to receive any fee for the service of process or for attendance in Court in such proceedings, but all other persons acting under orders of the Court may be allowed and paid for services or service of process and attendance or serving at witnesses the fee provided by law for like services in cases before the Circuit Court, the same to be paid from the appropriation provided when certified by the Judge.

SECTION 26. That all salaries and other expenses incurred in complying with the provisions of this Act shall be a County charge. The Judge of the Court shall present to the Quarterly Court of Davidson County each year, a proposed budget for the operation of the Court for the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly Court; that after the passage of this Act, and before funds are made available in said budget, all salaries, charges and expenses necessary and incident to the establishment, organization and operation of the Court shall be paid out of the general funds of the County. The Quarterly Court of Davidson County shall each year appropriate funds sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

SECTION 27. That the Court shall make and keep records of all cases brought before it, and shall devise and cause to be printed such forms for social and legal records and such other papers as may be required. The court's official records shall be open to inspection only consent of the Judge to persons having legitimate interest therein. All information obtained and social records prepared in the discharge of official duty by any employee of the Court shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Judge or other persons entitled to receive such information under this Act, unless and until otherwise ordered by the Judge.

The name or picture of any child under the jurisdiction of the Court shall not be made public by any newspaper, radio, or television station except as authorized by order of the Court. Any person who violates this provisions shall be guilty of a misdemeanor and subject to prosecution in the Criminal Court of this County. The Judge of the Juvenile Court of Davidson County shall exclude photographers and reporters from all hearings and prohibit any publicity respecting any child under the jurisdiction of the court which may be injurious to the interest or reputation or welfare of such child.

SECTION 28. That no appeal from a decree or order of the Court shall be granted or allowed; provided

however that a trial de novo may be had by an interested party aggrieved by decree or order by Petition for a writ of certiorari showing merit, and properly sworn to, filed with the Circuit Courts of Davidson County within ten (10) days from the date of entry of the decree or order complained of, and the writ be granted; and provided further that for the purpose of consolidating with any separate maintenance or divorce cause pending in the Chancery Courts of Davidson County issued involved in proceedings determined by said Juvenile Court, petition for certiorari may likewise be filed and the writ ordered issued by any Chancellor presiding over such Chancery Courts.

But in no case shall a writ of supersedeas be issued by any Judge or Chancellor to modify or vacate any order of said Juvenile Court respecting custody or support of any child without a hearing and without at least forty-eight (48) hours prior notice thereof to all interested parties, including the Chief Probation Officer of said Court.

SECTION 29. That it is hereby made the duty of every public official or department to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. The Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

SECTION 30. That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interest of the State and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which would have been given by them.

SECTION 31. That if for any reason any word, clause, paragraph or section of this Act shall be held unconstitutional, it shall not invalidate or affect the remainder of said Act.

SECTION 32. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

Probate Court

Court Costs

Public Acts of 1971 Chapter 153

WHEREAS, The cost of administrating the probate matters in the various counties has greatly increased in the last few years, and

WHEREAS, It is therefore necessary to set a schedule of charges which more accurately reflect the cost of administrating probate matters,

SECTION 1. That all counties having a population of not less than 350,000 and not more than 600,000, according to the Federal census of 1970, or any subsequent Federal census, shall adopt the following schedule of fees to defray the cost of administering probate matters, and the Clerks of the various courts shall charge and account for as court costs, the following:

Item

- | | | | |
|-----|--|---------|---|
| (1) | For filing petition, entering order, recording bond, issuing two (2) letters of administration in intestacy cases, and notifying Commissioner of Finance and Taxation | \$15.00 | |
| (2) | For filing petition for probate of will and entering order, without issuing letters testamentary or letters of administration c.t.a. | \$10.00 | |
| (3) | For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation | \$20.00 | |
| (4) | For filing petition to probate will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation | \$20.00 | plus \$1.00 for each additional page of will in excess of three (3) pages |
| (5) | For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation | \$21.00 | |
| (6) | For filing petition to probate will of more than three (3) pages in length, | \$21.00 | plus a \$1.00 for |

	entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation		each additional page of will in excess of three (3) pages
(7)	For filing petition to probate foreign will of three (3) pages and entering order without issuing letters testamentary of administration c.t.a.	\$20.00	
(8)	For filing petition to probate foreign will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation	\$30.00	
(9)	For filing petition to probate foreign will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation	\$30.00	Plus \$1.00 for each additional page of will in excess of three (3) pages
(10)	For filing petition for letters of guardianship or conservatorship, entering an order, and issuing certificate of guardianship or conservatorship, where no process issued	\$15.00	
(11)	For filing petition for letters of guardianship or conservatorship, issuing process and cost bond, entering order, and issuing certificate of guardianship or conservatorship. (Sheriff's fee \$5.00 additional)	\$18.00	
(12)	For filing petition for removal of disabilities of minority and entering order	\$9.00	
(13)	For filing petition for removal of disabilities of insanity, filing affidavits and entering order	\$10.00	
(14)	For filing petition for allowing year's support to widows and entering all orders and reports	\$8.00	
(15)	For filing petition to legitimate persons, entering order, and forwarding certificates to Tennessee Department of Vital Statistics	\$10.00	
(16)	For filing petition for change of name, and entering order	\$10.00	
(17)	For filing inventory and recording same in Inventory Record Book	\$3.00	Plus \$1.00 for each additional page in excess of three (3) pages Plus \$1.00 for each additional page in excess of One (1) page
(18)	For entering each order upon the minutes not otherwise provided for	\$2.00	
(19)	For filing petition for habeas corpus, filing cost bond, issuing process, and entering order (Sheriff's fee \$5.00 additional)	\$10.00	
(20)	For filing and recording annual settlement of guardians, conservators, administrators and executors, and entering order approving same	\$7.50	Plus \$1.00 for each additional page in excess of Three (3) pages Plus \$1.00 for each additional page in excess of three (3) pages
(21)	For entering orders increasing bonds of guardians conservators, executors and administrators	\$5.00	
(22)	For entering orders increasing bonds of guardians, conservators, executors and administrators	\$5.00	
(23)	For issuing each additional copy of letters of administration, testamentary, guardianship and conservatorships	\$2.00	
(24)	For each certificate issued, except under Acts of Congress	\$1.00	
(25)	For issuing supplemental certificates showing letters to be in force	\$2.00	
(26)	For issuing Acts of Congress certificates	\$3.00	
(27)	For making certified copies of documents of three pages or less	\$3.00	for each additional page .50
(28)	For filing and docketing claims against decedent's estate, each claim, except claim for funeral bill and legal notice to creditors	.50	
(29)	For filing exceptions to claims against estates, mailing notices and entering Orders	\$5.00	
(30)	For issuing any notice to guardians, conservators, executors and administrators to take and state their accounts as provided by law	\$3.00	
(31)	For filing petition for delayed or corrected birth certificate, and entering	\$6.00	

order		
(32) For filing petition and cost bond in causes involving sale of real estate	\$5.00	
(33) For filing each answer in such causes	\$1.00	
(34) For filing each report in such causes	\$2.00	Plus \$1.00 for additional pages in excess of one (1) page
(35) For issuing summons and entering return in such causes	\$3.00	
(36) For entering orders pro confesso or judgment by default in such causes	\$3.00	
(37) For issuing and entering order of publication in such cases	\$3.00	
(38) For filing each amended petition in such causes	\$2.00	
(39) For entering order appointing guardian ad litem in such causes	\$2.50	
(40) For filing and entering final order in each of such causes	\$3.00	Plus \$1.00 for each additional page in excess of Two (2) pages
(41) Commissions on funds paid into court in causes involving sale of real estate.	\$21.50 on first \$1,000.00 and one-half of one per cent (½%) on balance	
(42) Commissions on proceeds of the sale of real estate when sale made by the clerk	Five per cent (5%) on first \$6,000.00 of sale price, plus one per cent (1%) of the balance	
(43) For filing and docketing Commitment proceedings under the provisions of Section 33-604 Tennessee Code Annotated, entering and enrolling order appointed counsel for the individual, when necessary and order of commitment to mental Hospital	\$10.00	
(44) For filing and docketing petition or complaint for encroachment	\$5.00	

SECTION 2. That the provisions of this Act are declared to be severable and if any of its sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void and/or invalid, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional, void and/or invalid matter had not been included therein.

SECTION 3. That notwithstanding the provisions of any other law or laws on this subject, should there be a conflict between the provisions of this Act and some other Act on this same subject, it is hereby declared the legislative intent that the provisions of this Act shall be controlling, notwithstanding the provisions of the other Act, since they are hereby expressly repealed and superseded.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 4, 1971.

Chancery Jurisdiction

Private Acts of 1974 Chapter 366

SECTION 1. That the Probate Court of Davidson County, in addition to the jurisdiction heretofore vested in it by statute, shall have and exercise all the jurisdiction now or hereafter conferred upon the Chancery Court of Davidson County.

SECTION 2. That in the exercise of the jurisdiction conferred upon it hereunder, the Probate Court and the Judge thereof shall be subject to and bound by all the statutes and rules and applicable to the Chancery Court of Davidson County. Causes which may be filed in or transferred to the Chancery Court of Davidson County may be assigned to said Probate Court in the same manner in which causes are assigned to the several Parts of the Chancery Court of Davidson County.

SECTION 3. That the Clerk and Master of the Chancery Court of Davidson County shall act as Clerk and Master for said Probate Court in all matters pertaining to the jurisdiction conferred upon said Probate Court by this Act.

SECTION 4. That all laws or parts of laws, public or private, in conflict with the provisions with this Act are hereby repealed.

SECTION 5. That this Act shall have no effect unless it is approved by a two-thirds' vote of the Metropolitan County Council of Nashville and Davidson County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Council and certified by him to the Secretary of State.

SECTION 6. That for the purpose of approving this Act as provided in Section 5, it shall take effect upon becoming a law, but other provisions of the Act shall be effective only upon being approved as provided in Section 5.

Passed: March 28, 1974.

Public Defender

Private Acts of 1961 Chapter 128

SECTION 1. That there is hereby created the office of Public Defender in the counties of this State having a population of not less than 399,700 nor more than 399,800 according to the Federal Census of 1960, or any subsequent Federal Census.

SECTION 2. That immediately upon the passage of this bill in all counties of this State having a population of not less than 399,700 nor more than 399,800, according to the Federal Census of 1960, or any subsequent Federal Census, the voters of such counties, at the next general election following the approval of this Chapter, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of four years, commencing on September 1, 1962, and discharge the duties thereof as provided in this Chapter, and his successor shall be elected every four years thereafter. In the event of a vacancy in the office of Public Defender, the Quarterly County Court shall elect a Public Defender to serve until the next general election when a successor shall be elected by the vote of the people to fill the unexpired term.

SECTION 3. That

(a) Upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted by the grand jury or charged with the commission of any crime and he shall also upon request give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts of any person who has been convicted upon such charge, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment of conviction;

(b) He shall have the power to employ one deputy or (sic) assistant at a salary not to exceed Five Thousand Dollars (\$5,000.00) per annum, and to employ one stenographer at a salary not to exceed Four Thousand Dollars (\$4,000.00) per annum, for the proper conduct of the business of his office and such salary shall be paid in equal monthly installments from the general fund of the county;

(c) He shall take and file the constitutional oath of office;

(d) He shall receive a salary of Eight Thousand Dollars (\$8,000.00) per annum, payable in equal monthly installments to be paid by the county in which he is elected, in the same manner as other county officers are paid;

(e) The Quarterly County Court in each of the counties in which the office of Public Defender is hereby created, shall provide suitable rooms for the use of the Public Defender, and office furniture and supplies for the proper conduct of the business of his office at the expense of the county;

(f) Every person who shall be appointed Assistant Public Defender or a Deputy Public Defender must be a counselor at law in this State and a citizen and resident of the county in which he is appointed. Every such appointment shall be made in writing and under the hand of the Public Defender, and filed in the office of the Clerk of the Criminal Court of the county in which such appointment is made, and the person so appointed shall take and file with the Clerk of the Criminal Court the constitutional oath of office before entering upon his duties. Every such appointment may be revoked at the pleasure of the Public Defender making same, which revocation shall be in writing and filed with the Clerk of the Criminal Court. Such Assistant or Deputy Public Defender may attend all criminal courts and discharge the duties imposed by law upon or required of the Public Defender by whom he was appointed. The Public Defender may designate in writing, to be filed in the office of the Clerk of the Criminal Court, his assistant to be acting Public Defender. The assistant designated shall, during such absence or disability of Public Defender, perform the duties of said office. Such designation may be revoked by the Public Defender in writing to be filed in the office of the Clerk of the Criminal Court; and

(g) The Public Defender shall not engage in the private practice of law, but may conclude all matters pending when elected.

SECTION 4. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in a county-wide general or primary election. At the first county-wide general or primary election after the passage of this Chapter it shall be the duty of the Commissioners of Elections of the counties to which this Act applies to announce or call that the primary or general election for the county shall include voting upon the acceptance or non-acceptance of this Chapter. The ballots or voting machines used in such election shall have printed thereon on succeeding separate lines the following:

"For creating the office of Public Defender
Against Creating the office of Public Defender"

with appropriate places for each voter to indicate his preference. The votes cast as such primary or general election shall be canvassed by the Commissioners of Elections of the county upon the first Monday occurring five or more days after the date of such election and the result shall be proclaimed by the Commission and certified by the Commission to the Secretary of State immediately after the votes have been canvassed as provided by law. The primary and/or general election laws, except as otherwise provided herein, shall apply in all respects to such election. In the event the Commissioners of Elections in such counties call a special county-wide election for any other purpose after this Chapter shall have been enacted, the said Commissioners of Elections shall issue a call to the voters to vote upon the acceptance or non-acceptance of this Chapter at such election in the way and manner provided above.

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

Passed: February 22, 1961.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1799, Chapter 40, designated the number of jurors each county in the Mero District would send to the superior courts of the District. Davidson County would send ten; Sumner County, seven; Smith County, Four; Wilson County, four; Robertson County, five; Montgomery County, five; and Williamson County, five.
2. Acts of 1803, Chapter 73, specified the number of jurors each county in the Mero District would furnish the superior courts in the District, several new counties having had been erected. The four new counties in the District were Jackson County, Rutherford County, Dickson County, and Stewart County. The number of jurors required from Davidson County was reduced to seven.
3. Acts of 1806, Chapter 24, reassigned Wilson County to the Mero District, and established the number of jurors to be furnished to the Superior Court of the District which now contained Davidson, Sumner, Wilson, Williamson, and Rutherford Counties. Davidson County would provide twelve jurors for the Court.
4. Acts of 1809, Chapter 119, provided that officials in each county except Davidson would make out a list of fifteen jurors as a venire for each term of court. In Davidson County, the list would contain the names of thirty jurors.
5. Acts of 1817, Chapter 128, authorized Davidson County and twenty other listed counties to lay a tax at the first session of their Quarterly County Courts each year, for the purpose of granting additional compensation to jurors attending the County Courts and Circuit Courts. Any such additional pay was to be limited to fifty cents per day.
6. Private Acts of 1819, Chapter 62, empowered the County Court of Davidson County to appoint thirty-seven jurors to attend the County and Circuit Courts in Davidson County.
7. Acts of 1853-54, Chapter 182, declared that a grand jury could not be empaneled in Davidson County unless the Judge of the Criminal Court deemed it proper to do so. The Judge could summon a jury for a special case or for a term of court, within his discretion.
8. Public Acts of 1865, Chapter 18, Section 4, directed the Circuit Court to empower a grand jury regularly which would sit with its full, lawful powers during the term of Court in which it was summoned. All bills and indictments returned by the grand jury would be transferred to the Criminal Court for process and trial.

9. Acts of 1901, Chapter 124, established Boards of Jury Commissioners for all counties having over 120,000 in population according to the Federal Census of 1900, or a subsequent census. The Boards, appointed by the Circuit or Criminal Judges and other Judges who had criminal jurisdiction, were to be composed of three discreet citizens. They would be householders or freeholders; could not be attorneys or State or County officials, and could have no suit pending. No more than two members could belong to the same political party. The members were required to take the oath prescribed in the act, and elect one of their members as Board Chairman. The Clerk for the Board would be the Circuit Court Clerk. The Board would select from the tax rolls and other sources of public information, a number of qualified people equal to one-fifth of the total number of votes cast in the last presidential election, but in no event less than 250 nor more than 4,000. Those names would then compose the jury list for the next two years. The details of recording the names in a book, furnished by the Clerk, were set out in the statute. The names would also be written on cards, or scrolls, and placed in a box which would be locked and sealed and would not be unsealed or opened, except on order of the Court and in the presence of the Board. From ten to fifteen days before the opening of the term of Court, the Board would unlock the box and a child under ten years of age would be selected to draw out the number of prospective jurors for the coming term of court. These names would be placed in a sealed envelope and delivered to the Judge in open court. Five days before Court, the Clerk would have the Sheriff summon the people whose names were chosen. The mechanics of summoning special venire or replenishing the list when there was a possibility of its being exhausted were provided. The Judge could excuse a juror but only for the reasons set forth in the act. Members of the Board would be paid \$2.00 a day for their services.
10. Private Acts of 1911, Chapter 461, stated that every juror serving in a Coroner's inquest held over the body of a dead person in Davidson County would be entitled to demand and receive \$1.00 for each day's attendance to be paid out of the general funds of the County.
11. Private Acts of 1915, Chapter 30, amended Acts of 1909, Chapter 337, a general law providing that jurors were to receive \$1.50 per day, by allowing compensation of jurors in Davidson County to be \$3.00 per day for each day's attendance and such mileage allowance as was provided by law.
12. Private Acts of 1923, Chapter 432, amended Acts of 1901, Chapter 124, Section 15, above, by raising the compensation of the members of the Board of Jury Commissioners from \$2.00 to \$5.00 per day.
13. Private Acts of 1935, Chapter 427, amended Acts of 1901, Chapter 124, Section 4, above, by declaring it to be the duty of the Board of Jury Commissioners to prepare lists of names of not less than 4,500 citizens, competent for jury service, beginning in August, 1935, and every two years thereafter. The lists were to be submitted to the Judges of the Circuit and Criminal Courts for their approval. The Judges were enabled to strike any name before it appeared on the Jury List in the box. The Board would also furnish tickets upon which the individual names and other requisite information were to be included. In the event the Judges were unable to secure a jury from the list, the presiding Judge would designate qualified citizens to complete the panel.
14. Private Acts of 1949, Chapter 357, amended Acts of 1909, Chapter 337, and Private Acts of 1915, Chapter 30, above, by fixing the compensation of grand and petit jurors at \$6.00 a day for each day's attendance as a juror and by fixing the compensation of the foreman of the grand jury at \$10 per day.
15. Private Acts of 1967-68, Chapter 226, amended Private Acts of 1947, Chapter 53, and allowed the Judges to use mechanical or electronic means of selecting juror names if such alternate method became available. The act was not approved locally and did not become effective.
16. Private Acts of 1967-68, Chapter 330, repealed Private Acts of 1915, Chapter 30, and Private Acts of 1949, Chapter 357. The act was not approved by the Metropolitan Council of Nashville and Davidson County and did not become effective.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Davidson 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, provided that the Chancery Courts, the equity courts of Tennessee, would be held by one of the Justices of the Supreme Court at least once each year at the places where the Supreme Court was then held. Therefore, the equity courts would be held at Rogersville on the first Monday in November; at Knoxville on the third Monday in 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; at Columbia on the second Monday in January. All Court terms would continue for two weeks unless the docket was completed sooner.
2. Public Acts of 1822, Chapter 14, changed the date for beginning the term of the Chancery Court at Nashville to the third Monday in January of each year.
 3. Public Acts of 1824, Chapter 14, required the Justices of the Supreme Court to arrange or agree between themselves to hold the Chancery Courts across the State at least twice each year. The Courts were to be held at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court sitting at Franklin would hear the causes from Williamson, Davidson, and Rutherford Counties, the terms of Court to begin on the first Monday in May and November.
 4. Private Acts of 1826, Chapter 77, Section 3, authorized John Haywood to hold the Chancery Court for Williamson, Davidson, and Rutherford Counties at Franklin on the first Monday in December 1826, and to continue until the docket was completed.
 5. Public Acts of 1827, Chapter 79, declared that the Chancery Courts of the State would be held by two Chancellors, appointed by the joint ballot of both Houses of the General Assembly. The State was divided into the Eastern Chancery Division, which included the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western Chancery Division, which included the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris. The Chancellors would receive compensation of \$1,500 per year.
 6. Public Acts of 1829, Chapter 104, changed the times for the meeting of the Chancery Court at Franklin to the first Monday in May and November instead of the third Monday in April and October.
 7. Public Acts of 1835-36, Chapter 4, reorganized the equity courts in Tennessee by creating three Chancery Divisions, each to be presided over by a Chancellor appointed by the General Assembly. Each Division was partitioned into Districts. Court would continue to be held in two terms each year. Davidson and Williamson Counties were contained in the Fifteenth District of the Middle Division. That Division's Court would meet at Franklin on the third Monday in April and October.
 8. Public Acts of 1835-36, Chapter 20, declared that the terms of the Chancery Court of the Fifteenth District held at Franklin would begin on the fourth Monday in April and October.
 9. Acts of 1839-40, Chapter 21, Section 6, changed the terms of the Chancery Court at Franklin, which served Davidson and Williamson Counties, to begin on the third Monday of April and October instead of the fourth Monday in those months.
 10. Acts of 1845-46, Chapter 53, constituted Davidson County as a Chancery District in the Middle Chancery Division. The Court would meet at the Courthouse in Nashville on the first Monday in May and November of each year.
 11. Acts of 1851-52, Chapter 178, Section 3, set the opening dates for the terms of the Chancery Courts in the Counties in the Middle Division of Tennessee. Davidson County's Chancery Court would meet on the first Monday in May and November.
 12. Public Acts of 1857-58, Chapter 88, organized the Chancery Courts in Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. Davidson County was assigned to the Middle Division with the Counties of Marshall, Cheatham, Giles, Maury, Lewis, Williamson, Stewart, Montgomery, and Robertson. Court terms in Davidson County would begin at Nashville on the first Monday in May and November.
 13. Public Acts of 1869-70 (2nd Sess.), Chapter 32, organized Tennessee into twelve Chancery Districts. Davidson County alone constituted the Seventh Chancery District.
 14. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the time for the Chancery Court to begin its terms on the first Monday in April and October at Nashville.
 15. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system in the State. Eleven Chancery Divisions were created. The Sixth Chancery Division was made up of the Counties of Williamson and Davidson. The Court in that Division would meet at Nashville on the first Monday in January and July.
 16. Public Acts of 1887, Chapter 25, changed the opening dates of the Chancery Court terms in Davidson County to the first Monday in April and October of each year.
 17. Public Acts of 1899, Chapter 427, was the next major revision in the lower court system of Tennessee. The equity courts were formed into ten Chancery Divisions with Davidson County alone constituting the Seventh Chancery Division. Court terms would open on the first Monday in January and July.

18. Acts of 1901, Chapter 134, amended Public Acts of 1899, Chapter 427, above, by transferring Williamson County from the Fifth Chancery Division into the Seventh Chancery Division with Davidson County. The act set the terms of Court for Davidson County to begin on the first Monday in April and October.
19. Acts of 1901, Chapter 434, again set the Chancery Court terms in the Seventh Chancery Division for Williamson and Davidson Counties. In Davidson County the Chancery Court would convene on the first Monday in April and October.
20. Acts of 1903, Chapter 62, repealed Acts of 1901, Chapter 134, above, as it applied to the times for holding Chancery Court in Williamson and Davidson Counties. Davidson County's terms of Chancery Court would start on the first Monday in April and October.
21. Private Acts of 1911, Chapter 495, empowered the Chancery Court of the Seventh Chancery Division to take jurisdiction of and enforce any lien created by Acts of 1907, Chapter 158, which related to liens resulting from unpaid sidewalk and curbing assessments. The procedure for suits to enforce the liens would be the same as the procedure for other suits in Chancery. As many as twenty-five parcels of property could be included in one suit in which, all the owners of the subject property would be included as defendants.
22. Public Acts of 1915, Chapter 7, created an additional office of Chancellor in Davidson County and divided the Chancery Court into Part I and Part II. The Chancellors would apportion the existing cases between the two Parts and bills filed could be addressed to either Part. The County was required to provide the additional building space necessary for the new Part and the Sheriff was required to attend the new Court. The new Chancellor would be elected for eight year terms and would receive the same compensation as other Chancellors in the State.
23. Private Acts of 1915, Chapter 229, provided for two court officers to serve in each Part of the Chancery Court of Davidson County. In each Part, one officer was to be appointed by the Chancellor of the Division and deputized by the Sheriff. The other officer was to be appointed by the Sheriff and be acceptable to the Chancellor. The court officers would be paid \$3.00 per day for each day's attendance at the Court, and, when not engaged in performing Court duties, they were to serve and execute process as other deputies.
24. Private Acts of 1919, Chapter 317, amended Private Acts of 1915, Chapter 229, above, by authorizing one court officer in each of the two Parts of the Davidson County Chancery Court to attend and keep order in the Court at all sessions and aid in the execution of process issuing from the Court. The court officer would be appointed by the Chancellor and deputized by the Sheriff. When Court was not in session, the officer could serve as a deputy. Each officer was to be paid \$3.00 per day for each day worked.
25. Private Acts of 1921, Chapter 67, amended Private Acts of 1915, Chapter 229, above, by setting the pay of the court officers at \$4.00 for each day actually served in Court. The Clerk and Master would certify to the County Judge the names of the court officers and the number of days they worked. The County Judge would then issue warrants for payment of the proper compensation.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system. Fourteen Chancery Divisions were created. Davidson County, Part I and Part II, constituted the Seventh Chancery Division. Court terms would begin on the first Monday in April and October.
27. Private Acts of 1939, Chapter 263, amended Private Acts of 1915, Chapter 229, above, by adding a provision that the compensation of the court officers attending each Part of the Chancery Court of Davidson County would be \$150 per month payable on the first day of each month on a warrant drawn on the Trustee. Additionally, the officers were allowed the regular fees for the service of process, but the total compensation could not exceed \$200 per month. All fees earned in excess of that sum would be turned over to the Sheriff who was required to account for them.
28. Private Acts of 1945, Chapter 229, amended Private Acts of 1915, Chapter 229, above, by raising the monthly salary of the Chancery Court officers from \$150 to \$200, the salary to be paid in addition to fees for the service of process. Total compensation could not exceed \$225 a month. All fees in excess of that amount would be paid over to the Sheriff.
29. Private Acts of 1947, Chapter 305, amended Private Acts of 1915, Chapter 229, above, by increasing the monthly salary of the court officers of Chancery Court to \$225, payable on the first day of each month, the salary to be in addition to regular fees for serving the Court's process. Salary and fees were limited to a combined total of \$250 and any excess was to be turned over to the Sheriff for accounting.
30. Private Acts of 1947, Chapter 698, authorized the Quarterly County Court of Davidson County to appropriate and pay from county funds to those Chancellors, Judges of the Criminal Courts, and

Judges of the Circuit Court, serving in Davidson County, such sums of money as the Quarterly Court deemed reasonable to compensate the Chancellors and Judges in the performance of their duties with reference to fixing and regulating the number of deputies and employees and their salaries, expenses, and other allowances, and with reference to the discharge of any other county purpose required by law.

31. Private Acts of 1949, Chapter 240, amended Private Acts of 1915, Chapter 229, by increasing the monthly salary of the court officers of the Chancery Court from \$225 to \$275, payable on the first day of every month, the salary to be in addition to the regular fees for serving process. The combined total could not exceed \$300, and any excess over that amount was to be paid to the Sheriff, who was accountable to the County Trustee.
32. Private Acts of 1951, Chapter 343, amended Private Acts of 1915, Chapter 229, to provide for the compensation of court officers in each Division of the Chancery Court. Each officer would be paid \$300 on the first day of each month. He would also receive the legal fees for serving process; provided the combined total did not exceed \$325 a month. All fees earned in excess of that amount would be paid over to the Sheriff.
33. Private Acts of 1953, Chapter 164, amended Private Acts of 1915, Chapter 229, by authorized the Chancellors of the two Chancery Divisions of the Davidson County Court to jointly appoint a third court officer, who would have the same duties, powers, and compensation as other officers.
34. Private Acts of 1959, Chapter 337, amended Private Acts of 1915, Chapter 229, by increasing the monthly salary of Chancery Court officers from \$300 to \$325 and by raising the limit on the combined total of earnings of the officers to \$350 per month.
35. Private Acts of 1963, Chapter 134, amended Private Acts of 1915, Chapter 229, by providing for the appointment of a bailiff for each Court. The Chancellor would appoint the bailiffs and they would be paid compensation of \$350 per month.
36. Public Acts of 1976, Chapter 766, created an additional office of Chancellor in Davidson County and divided the Chancery Court into three Parts, each Part to hold two terms per year beginning on the first Monday in April and October. Each Chancellor, when his docket was completed, was to assist the others in disposing of remaining cases. The Clerk and Master was directed to attend upon the new Part. The additional Chancellor would be elected for eight year terms.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the Clerk and Master in Davidson County.

1. Acts of 1796, Chapter 21, set forth the procedure for the reconstruction of legal documents destroyed by fire in 1795 in the office of the Clerk of the Chancery Court for the Mero District.
2. Public Acts of 1821, Chapter 20, amended Acts of 1796, Chapter 21, above, by authorizing the filing of affidavits to replace documents destroyed in the fire of 1795 in the Mero District Chancery Clerk's office.
3. Private Acts of 1925, Chapter 404, authorized the Clerk and Master of the Davidson County Chancery Court to employ an auctioneer for Chancery Court sales made at public outcry. The auctioneer's fee, to be allowed as costs, would be a percentage of the sale, but no more than \$15, unless otherwise ordered by the Chancellor. The parties could obtain their own auctioneer, or choose to request the Court-appointed auctioneer.

Circuit Court

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

1. Acts of 1784 (Oct. Sess.), Chapter 28, Laws of North Carolina, organized Washington, Sullivan, Greene, and Davidson Counties into a new district to be called the Washington District. A Judge and an Attorney-General were to be appointed for the new district. The Judge would receive fifty pounds compensation for each Court session.
2. Acts of 1785, Chapter 47, Laws of North Carolina, established a Superior Court of Law and Equity for Davidson County. The Governor would commission the Judge of the new Court after election by joint ballot of the General Assembly. Court would be held on the first Monday in May and November and the terms were to continue for ten days, exclusive of Sundays.
3. Acts of 1788, Chapter 31, Laws of North Carolina, extended the jurisdiction of the Superior Court of Law and Equity of Davidson County to include the recently formed Counties of Sumner and Tennessee. The three Counties would form a new district which was named Mero. The Judge in Davidson County would continue in office as the Judge for the new district.

4. Acts of 1792, Chapter 8, Territorial Acts, fixed the times for holding the Superior Court of Law and Equity in the Mero District on the second Monday in May and November each year. The Court term would continue as necessary, but no longer than fifteen days.
5. Acts of 1794, Chapter 1, Territorial Acts, created the Superior Court of Law, a court of general jurisdiction for the territory which later became Tennessee. The Court was established in each of the three districts of Washington, Hamilton, and Mero.
6. Acts of 1806, Chapter 19, divided the District of Mero into three Districts, each to have a separate and distinct Court of Law and Equity. The Districts were named Robertson, Winchester, and Mero. Davidson County was placed in the new Mero District along with Sumner, Williamson, and Rutherford Counties.
7. Acts of 1809, Chapter 49, divided the State of Tennessee into five Judicial Circuits. The Fourth Judicial Circuit contained the Counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. Circuit Courts were to be held twice each year, and the terms in Davidson County were to begin on the second Monday in March and September each year.
8. Acts of 1812, Chapter 1, authorized the Judge of the Fourth Judicial Circuit to adjourn the Court in Davidson County from the Courthouse located in Nashville to any other house in that town and all writs and process were to be made to conform accordingly. Authority was also granted to hold an additional term of Court in Davidson County on the fourth Monday in December which would continue until the docket was completed.
9. Acts of 1812, Chapter 68, set the dates for several counties, including Davidson County, for opening the terms of their respective Circuit Courts. In Davidson County, Court terms would begin on the third Monday in May and November. The Courts were to continue in session until their business was completed.
10. Acts of 1813, Chapter 5, granted the Judge of the Circuit Court the authority to adjourn the Court to another place and granted the Judge of the County Court of Davidson County the same right and privilege. All processes of the Court were to be made to conform to any adjournment.
11. Acts of 1815, Chapter 55, allowed the Judge of the Circuit Court in Davidson County to adjourn the Court from the Courthouse to any other place deemed proper and all process of the Court would be made to conform.
12. Private Acts of 1821, Chapter 127, Section 7, provided that the Circuit Court of Davidson County would begin its terms of Court on the second Monday in May and November of each year and continue in session for five weeks unless the docket was sooner cleared.
13. Private Acts of 1821, Chapter 172, Section 3, stated that the terms of the Circuit Court in Davidson County would last for four weeks and no longer.
14. Private Acts of 1823, Chapter 189, made it the duty of the Judge of the Fourth Judicial Circuit to adjourn the Court in Davidson County at the expiration of the May term until the first Monday in July and then to continue for two weeks, if necessary. Therefore, an additional term of Court for the Davidson County Circuit Court was created. This act was repealed four years later.
15. Private Acts of 1827, Chapter 121, repealed Acts of 1823, Chapter 189, above, which created an additional term for the Davidson County Circuit Court. The act required the Judge of the Fourth Judicial Circuit to hold Court until the first Monday in January following passage of the act unless the Court docket were completed at an earlier date.
16. Public Acts of 1829, Chapter 104, changed the Court terms for the Circuit Court of Davidson County and the Chancery Court at Franklin in Williamson County. The terms of the Circuit Court would begin in Nashville on the fourth Monday in May and November.
17. Public Acts of 1835-36, Chapter 5, was enacted pursuant to the newly adopted 1835 State Constitution. The Circuit Courts were required to hold three terms annually. The Courts were divided into eleven Judicial Circuits. The Sixth Judicial Circuit was composed of the Counties of Davidson, Sumner, and Williamson. The terms of the Davidson County Circuit Court would begin on the first Monday in April, August, and December.
18. Public Acts of 1835-36, Chapter 41, set the terms of the Circuit Court of Davidson County to commence on the second Monday of January, May, and September.
19. Acts of 1849-50, Chapter 31, Section 17, gave the Judge of the Circuit Court of Davidson County criminal jurisdiction to the extent that the Judge could empanel a Grand Jury at the regular term for the purpose of finding bills of indictment and presentment which, when found, would be transferred with all pertinent records to the Criminal Court at its next regular term.
20. Acts of 1853-54, Chapter 52, arranged for the election of Judges for the Circuit Court in the Sixth

- Judicial Circuit containing the Counties of Davidson, Williamson, and Sumner. The complex plan allowed the three Counties to participate in the election of a Judge for Sumner County, but allowed only Williamson and Davidson Counties to elect a Judge for those two Counties. Criminal Court would be held in all three Counties by the Judge of Sumner County. The act was repealed less than two weeks after its passage as it related to the Sixth Judicial Circuit by Acts of 1853-54, Chapter 59.
21. Private Acts of 1857-58, Chapter 82, rescheduled the opening dates of the terms of the Circuit Court in Davidson County for the fourth Monday in January, the third Monday in May, and the second Monday in September, each year.
 22. Public Acts of 1857-58, Chapter 98, organized the Circuit Courts of Tennessee into sixteen Judicial Circuits. The Ninth Judicial Circuit contained the Counties of Sumner, Williamson, and Davidson. The Circuit Court in Davidson County would begin its terms on the second Monday in January, May, and September.
 23. Public Acts of 1859-60, Chapter 96, divested the Circuit Court of Davidson County of certain aspects of criminal jurisdiction by repealing Section 4251, Code of Tennessee, as it applied to Davidson County.
 24. Private Acts of 1859-60, Chapter 171, declared that the Circuit Court of Davidson County would be held in Nashville on the fourth Monday of January, the third Monday in May, and the first Monday in September of each year.
 25. Public Acts of 1867-68, Chapter 90, Section 2, constituted Davidson County's Circuit Court alone as a Judicial Circuit, to be called the Nineteenth Judicial Circuit. The Governor would order an election to select a Judge.
 26. Public Acts of 1869-70 (2nd Sess.), Chapter 31, created fifteen Judicial Circuits in the State after the adoption of the 1870 Constitution. Davidson County constituted the Eighth Judicial Circuit.
 27. Public Acts of 1869-70 (2nd Sess.), Chapter 46, scheduled the opening dates of the terms of the Circuit Court for every county in the State of Tennessee. In Davidson County the terms of Court would begin on the fourth Monday in January, the third Monday in May, and the first Monday in September of each year.
 28. Public Acts of 1869-70 (2nd Sess.), Chapter 59, created the Law Court of Nashville and granted it jurisdiction concurrent with the Circuit Court. Appeals to and from the new Court would be handled under the same procedure as in the Circuit Court. Suits could be filed in either the Law Court or the Circuit Court at the option of the filing party. Terms would begin on the first Monday in every month. Process and pleading would be the same as in the Circuit Court. The Circuit Court Clerk would serve as Clerk of the Law Court. The Judge of the Law Court would be elected and would hold and enjoy the same term and receive the same salary as Circuit Judges. The County Court was required to provide suitable accommodations for the Law Court.
 29. Public Acts of 1869-70, Chapter 60, amended Public Acts of 1869-70 (2nd Sess.), Chapter 59, above, to schedule terms of the Law Court of Nashville quarterly, instead of monthly, on the second Monday in January, April, July, and October, of each year. All pleadings were to be the same in all respects as in the Circuit Courts.
 30. Public Acts of 1871, Chapter 149, Section 3, amended Public Acts of 1869-70 (2nd Sess.), Chapter 59, above, so that the Judge of the Law Court was required to hold the Circuit Court of Sumner County at the times prescribed by law. The terms of the Law Court were rescheduled for the first Monday in January, May, and September.
 31. Public Acts of 1877, Chapter 42, repealed Public Acts of 1869-70 (2nd Sess.), Chapters 59 and 60, above, and transferred all the business of the Law Court to the Circuit Court, the Clerk of which was required to keep and preserve all the records.
 32. Public Acts of 1879, Chapter 50, established a new schedule for the terms of the Circuit Court in Davidson County. The terms would start on the second Monday in January, the first Monday in May, and the third Monday in September. All process and writs were to conform to the new dates.
 33. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State. The act created fourteen regular, and one special, Judicial Circuits. The Seventh Judicial Circuit would hear civil cases in Davidson County and both civil and criminal cases in Williamson and Cheatham Counties. There were special Criminal Courts in Davidson and Rutherford Counties. Civil cases would be heard in Davidson County during the terms to begin on the second Monday in January, the first Monday in May, and the third Monday in September.

34. Public Acts of 1889, Chapter 14, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, so that the terms of the Circuit Court of Davidson County would start on the second Monday in October and February, and the first Monday in May.
35. Public Acts of 1891, Chapter 140, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the date of the terms of the Circuit Courts in Cheatham, Williamson, and Davidson Counties. The first Monday in March, the fourth Monday in May, and the second Monday in October were the dates set for Davidson County.
36. Public Acts of 1895, Chapter 26, established the Second Circuit Court of Davidson County. The Court would be held in Nashville on the same day as the then existing Circuit Court and would have concurrent jurisdiction with that Court. The operation, procedure, process, and pleadings of the newly created Court would be identical to those of the then existing Court. The Governor was required to appoint a judge for the Court to serve until the election of August 1896. Terms of office would be eight years.
37. Public Acts of 1899, Chapter 427, revised the entire lower court system of Tennessee and created fourteen Judicial Circuits in the State. Davidson County alone would constitute the Tenth Judicial Circuit. The Circuit Courts of Davidson County would begin court terms on the first Monday in January, May, and September.
38. Acts of 1903, Chapter 184, amended Public Acts of 1899, Chapter 427, above, to change the dates of the Circuit Court terms in Davidson County to begin the first Monday in February and May and the second Monday in October.
39. Acts of 1909, Chapter 115, amended Public Acts of 1895, Chapter 26, above, to remove the requirement that the Judges of the Courts alternate in holding the terms of Court.
40. Acts of 1909, Chapter 572, detached Williamson County from the Second Judicial Circuit of Davidson County and created the Judicial Circuit of Williamson County, for which the Governor would appoint a Judge until one could be elected at the August general election of 1910.
41. Private Acts of 1911, Chapter 229, authorized the Judge of the Circuit Court of Davidson County to appoint two suitable persons to attend Court sessions and preserve order. The appointees were to be paid \$3.00 per day of Court attendance.
42. Public Acts of 1913, Chapter 5, created a new Circuit Court of Davidson County and authorized it to have concurrent jurisdiction with the other two Courts. All process, pleadings, and procedure would be identical to those of the other Circuit Courts. The Sheriff and the Circuit Court Clerk would serve the new Court. The caseload would be rearranged to equalize the burden among the Circuit Courts.
43. Private Acts of 1917, Chapter 91, set the opening dates of the Circuit Courts of Davidson County as the first Monday in January and May, and the third Monday in September.
44. Private Acts of 1919, Chapter 17, provided that the Circuit Courts in the Tenth Judicial Circuit, that is Davidson County, would begin terms of Court on the first Monday in February, May, and October of each year.
45. Private Acts of 1919, Chapter 763, provided that all persons, serving as Court Officers in the Circuit Courts of Davidson County, would be compensated at the rate of \$4.00 per day on warrants drawn upon the County Trustee. The Circuit Court Clerk would certify the names and the days they worked to the County Judge, who would issue warrants accordingly but only for days worked when the Circuit Courts were in session.
46. Private Acts of 1921, Chapter 919, excluded Davidson County from the operation and terms of Public Acts of 1915, Chapter 121, which established the office of Divorce Proctor in counties having a population of 100,000 or more, so that any Divorce Proctor or Deputy Divorce Proctor then holding office in Davidson County would continue to hold office until the expiration of the term for which he was appointed. No additional Divorce Proctor or Deputy would be appointed or elected in the County.
47. Private Acts of 1925, Chapter 234, fixed the salary of Court Officers in the Circuit Court at \$1,200 per year, payable monthly. The Clerk of the Circuit Court would issue the certificates to the County Judge who would thereupon draw the warrants on the Trustee. The act repealed Private Acts of 1919, Chapter 763, above.
48. Private Acts of 1927, Chapter 419, duplicated Private Acts of 1925, Chapter 234, above, by setting the salary of the Court Officers of the Circuit Court at \$1,200 per year.
49. Private Acts of 1927, Chapter 574, set forth procedural rules for the Circuit Court of Davidson County concerning the establishment of Rule Day. Times were set for the filing of pleadings and

for the setting of trial dates.

50. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last major revision of the court system for several decades. The Circuit Courts of the State were divided into twenty Judicial Circuits. The Tenth Circuit contained the First, Second, and Third Circuit Courts of Davidson County, the terms for which would begin on the first Monday in February, May, and October.
51. Private Acts of 1935, Chapter 126, amended the Nashville City Charter with respect to appeals from City Court. The appeals would be made to the Circuit Courts of Davidson County, if prayed for and granted within two days from the rendition of judgment. The trial of all such cases or those before the Court on writ of certiorari, would be heard by the Circuit Judge without a jury.
52. Private Acts of 1937, Chapter 410, required the Sheriff of Davidson County to appoint three officers to wait upon and serve process for the Circuit Courts of the County. Each officer would be a deputy.
53. Private Acts of 1941, Chapter 453, amended Private Acts of 1927, Chapter 419, above, by setting the salary of the Court Officers of the Circuit Courts at \$1,500 a year, instead of \$1,200.
54. Private Acts of 1945, Chapter 227, amended Private Acts of 1927, Chapter 419, above, by declaring that all persons serving as Court Officers in the Circuit Courts of Davidson County were entitled to compensation of \$1,680 each, payable at the rate of \$70 on the first and fifteenth of each month on warrants drawn on the County Trustee by the County Judge.
55. Private Acts of 1945, Chapter 317, provided that the compensation of each of the officers who served process issued by the Circuit Courts of Davidson County would be paid \$200 on the first day of each month by a warrant on the Trustee of the County. In addition, they would be entitled to the regular fees for serving process, but combined, the compensation was not to exceed \$225 per month. Any amount above \$225 would be turned over to the Sheriff of Davidson County.
56. Private Acts of 1947, Chapter 307, amended Private Acts of 1945, Chapter 317, above, by increasing the monthly salary of the officers serving process issued by the Davidson County Circuit Courts from \$200 to \$225 and by setting the limit on the fees and salary at \$250 a month instead of \$225.
57. Private Acts of 1947, Chapter 698, enabled the Quarterly Court of Davidson County to appropriate and pay from the County funds to the Chancellors, the Judges of the Circuit Courts, and the Judges of the Criminal Court, such sums of money as the Quarterly Court deemed reasonable to compensate the Judges and the Chancellors for the performance of their duties with reference to fixing and regulating the number of deputies and employees, and with reference to fixing their salaries and duties, and for the discharge of any other County purposes required by the said Judges and Chancellors.
58. Private Acts of 1947, Chapter 715, amended Private Acts of 1945, Chapter 227, above, by increasing the annual salary of the Court Officers of the Circuit Courts from \$1,680 to \$2,100, payable at the rate of \$87.50 on the first and fifteenth of each month.
59. Private Acts of 1949, Chapter 241, amended Private Acts of 1945, Chapter 317, above, by changing the monthly salary of the Process Officers of the Circuit Court from \$250 to \$275, payable on the first day of each month, and by raising the monthly limitation on the combined compensation from \$275 to \$300.
60. Private Acts of 1949, Chapter 248, amended Private Acts of 1947, Chapter 715, above, by raising the annual salary of the Court Officers of the Circuit Court that were appointed by the Judges from \$2,100 to \$2,400, payable at the rate of \$100 on the first and fifteenth of each month.
61. Private Acts of 1951, Chapter 342, amended Private Acts of 1945, Chapter 317, above, by raising the monthly salary of the Process Officers of the Circuit Court from \$275 to \$300 and by increasing the maximum amount which they could earn from \$300 to \$325.
62. Private Acts of 1951, Chapter 712, increased the Court Officers annual salary from \$2,400 to \$3,000, payable at the rate of \$125 on the first and fifteenth of each month.
63. Public Acts of 1957, Chapter 44, created the Fourth Circuit Court of Davidson County and vested it with jurisdiction concurrent with the other Circuit Courts relating to family and domestic matters. The Judge of the new Court was authorized to appoint special masters to take proof and investigate issues of fact concerning child custody, support, and other matters. The process, pleadings, and procedure of the then existing Circuit Court were to be applicable in the Fourth Circuit Court. The Clerk of the Circuit Court would act as Clerk for the newly created Court and the business of the Court would be kept in separate books and apart from the other Circuit Courts.

64. Private Acts of 1957, Chapter 83, amended Private Acts of 1927, Chapter 419, above, by rewriting the act to provide an increase in the annual salary of the Court Officers of the Circuit Court that were appointed by the Judges from \$3,000 to \$3,600, payable semi-monthly on the first and fifteenth of each month.
65. Private Acts of 1957, Chapter 180, amended Private Acts of 1945, Chapter 317, above, by increasing the salary of the Process Servers from \$325 to \$350 a month.
66. Private Acts of 1959, Chapter 158, amended Private Acts of 1911, Chapter 229, above, by inserting a new Section One which allowed each Circuit Judge to appoint two persons to attend the Court. Compensation for the officers was set at \$300 per month.
67. Private Acts of 1959, Chapter 331, amended Private Acts of 1945, Chapter 317, above, by increasing the monthly salary of the Process Officers from \$350 to \$400.
68. Private Acts of 1961, Chapter 344, amended Private Acts of 1927, Chapter 419, above, by raising the annual salary of the Court Officers of the Circuit Court to \$4,200 a year, payable at the rate of \$175 on the first and fifteenth of each month.
69. Public Acts of 1963, Chapter 187, created the Fifth Circuit Court of Davidson County. Its jurisdiction would be concurrent with the Circuit Court, the Second Circuit Court, and the Third Circuit Court and its process, pleadings, and procedure would be identical to those of the other Circuit Courts. The business of the Court was to be equalized with that of the other Courts, but the records would be kept separately.
70. Public Acts of 1965, Chapter 17, changed the times of the Circuit Court terms in the Tenth Judicial Circuit from the first Monday in February, May, and October to the second Monday in January, May, and September.
71. Public Acts of 1965, Chapter 264, established a new Circuit Court for Davidson County to be equal to and hold concurrent jurisdiction with the Circuit Court, the Second, Third, and the Fifth Circuit Courts. All laws concerning process, pleadings and procedure would be applicable to the new Court.
72. Private Acts of 1970, Chapter 228, established a procedure for the appointment of civil process servers in Davidson County in view of the refusal of the Constables to serve process. The Chancellors and the Judges having civil jurisdiction were empowered to appoint persons as process servers, who were required to post a bond and be at least twenty-one years of age and of good moral character. The act was not approved locally and did not become effective.
73. Public Acts of 1975, Chapter 94, declared that the Circuit Courts of Davidson County in the Tenth Judicial Circuit would be held in continuous term or session.
74. Public Acts of 1977, Chapter 485, set the minimum annual compensation, excluding automobile expenses, for Court Officers at \$7,800 per year, regardless of whether they had the duty of serving process.

Circuit Court - Clerk

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

1. Public Acts of 1883, Chapter 31, declared that the State had recovered a judgment in the Law Court of Nashville for \$357 and a judgment in the Circuit Court for \$5,000 against Albert Akers, then the late Clerk of the Circuit Court, and the securities on his bond. The judgments were issued and execution levied against Akers' real property. The act declared the judgments were erroneous and based on a misapprehension of fact. The act, therefore, released Akers, and his sureties, from all liability under the erroneous judgments.
2. Acts of 1903, Chapter 255, was a salary act based on a classification of counties by population which applied to Circuit Court Clerks. Davidson County would pay its Circuit Court Clerk \$5,000 a year under the schedule set forth in the act.
3. Private Acts of 1937, Chapter 12, made the Circuit Court Clerk of Davidson County the Clerk of the General Sessions Court of Davidson County. No additional compensation was to be paid the Clerk but additional deputies and assistants were authorized.
4. Private Acts of 1947, Chapter 859, provided an annual, additional compensation of \$900 for the Circuit Court Clerk for his services as the Clerk of the General Sessions Court. The act made it clear that the Circuit Court Clerk was to be the Clerk of the General Sessions Court, whereas, previously the Clerk of the Criminal Court had shared clerking duties for General Sessions Court.

Criminal Court

The following acts once pertained to the Davidson County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1784, Chapter 36, Laws of North Carolina, authorized the Governor of North Carolina to issue a commission to such person as would be appointed by the joint ballot of both legislative Houses to authorize and empower the person to hold a court in Davidson County. The court would be called the Court of Oyer and Terminer and General Gaol Delivery. Its terms would be held twice each year for a period of two years, on the third Monday in April and October, to receive indictments of all treasons, misprisions of treason, felonies, and other high crimes and misdemeanors, alleged to have been committed in the County, and to try and determine the same according to the laws of the sovereign State of North Carolina. The jurisdiction of the Court was extended to try cases arising in the area outside Davidson County and to the north and west of the settlement on the Cumberland River. The Court could appoint an Attorney General to act for the State, who would attend every session of the Court.
2. Acts of 1839-40, Chapter 136, established special terms for the Circuit Court of Davidson County to be held by the judges of the Sixth and Seventh Judicial Circuits for the trial of criminal cases. The transaction of other criminal business, or even civil business if deemed necessary, was authorized during the special terms.
3. Acts of 1841-42, Chapter 52, created the Criminal Court of Davidson County for the trial of all crimes and offenses. The Judge of the new Court was to be elected by the Legislature for terms of eight years and would receive \$1,000 per year in compensation. Terms of Court would begin on the first Monday in March, June, September, and December and continue until business was completed or until holding the Court interfered with Circuit Court terms. The Clerk of the Circuit Court and the Sheriff were required to attend the new Court as they did Circuit Court. In regard to criminal cases, the new Court would have all the jurisdiction and power then held by the Circuit Court. The Judge of the Criminal Court was prohibited from practicing law.
4. Acts of 1843-44, Chapter 35, Section 11, allowed the Judge of the Criminal Court of Davidson County to practice law in the courts of law and equity in the State in civil cases which did not arise out of any criminal case. He was prohibited from practicing in any criminal case in any court.
5. Acts of 1843-44, Chapter 161, Section 4, stated that the first term for the Criminal Court for Davidson County in 1844 would be held as usual but the second term would begin on the first Monday in July. The court terms were then set to begin on the first Monday in January, April, July, and the fourth Monday of October.
6. Acts of 1845-46, Chapter 145, Section 10, granted to the Judge of the Criminal Court of Davidson County the privilege of practicing law in all Criminal cases in all courts of the State located outside Davidson County.
7. Acts of 1847-48, Chapter 21, provided that the Criminal Court of Davidson County would be held three times a year instead of four, its term to begin on the first Monday in January, May, and September. The terms would continue until the docket was completed. The Judge was authorized to call a special term whenever necessary. The Judge of the Criminal Court could hold the Circuit Court when the Judge of that Court was unable to do so. The Criminal Court Judge was allowed the same salary as the Circuit Judges of the State. However, the Judge was prohibited from practicing law in the State courts.
8. Acts of 1847-48, Chapter 171, permitted the Judge of the Criminal Court of Davidson County to grant writs of certiorari and supersedeas, and attachments at law in all cases in which the Judges of the Circuit Courts could grant such writs. The act also established the Criminal Court for Montgomery, Wilson, and Rutherford Counties to be held at three terms of Court per year and presided over by the Judge of the Davidson County Criminal Court.
9. Acts of 1853-54, Chapter 52, directed that the Counties of Sumner, Davidson, Rutherford, and Montgomery elect a Judge to hold the Circuit Court for Sumner County and the Criminal Court for the other three counties. Davidson, Sumner, and Williamson Counties were to elect an attorney general to attend the Circuit Court of Sumner County and the Criminal Court of Davidson. The act was repealed less than two weeks after its passage.
10. Acts of 1853-54, Chapter 59, repealed Acts of 1853-54, Chapter 52, above, as it related to Davidson, Sumner, and Williamson Counties and to the election of a judge and an attorney general in those counties.
11. Public Acts of 1857-58, Chapter 98, established sixteen judicial circuits in the State and specified that the Judge of the Criminal Court at Nashville would hold the Circuit Court of Sumner County.
12. Private Acts of 1859-60, Chapter 14, Section 6, provided that the Judge of the Criminal Court at

Nashville, Davidson County, would continue to open and hold the Circuit Courts of Sumner County.

13. Public Acts of 1867-68, Chapter 88, Section 6, empowered the Judge of the Criminal Court of Davidson County to appoint the Coroner, or one or more Constables, to wait upon the Criminal Court and to perform its orders and execute and return and its process.
14. Public Acts of 1869-70 (2nd Sess.), Chapter 31, was a complete revision of the Circuit Court system of the State. The Special Criminal Courts in Davidson and Rutherford Counties were to remain as they were then constituted.
15. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the time for holding Criminal Court in Davidson County as the first Monday in January, May, and September.
16. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower judicial system of the State and established a Special Criminal Circuit composed of Davidson and Rutherford Counties. The act set the terms of the Criminal Court of Davidson County to begin on the first Monday in January, May, and September.
17. Public Acts of 1891, Chapter 155, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by removing Rutherford County from the Special Criminal Court Circuit with Davidson County.
18. Public Acts of 1899, Chapter 427, set the dates for the terms of the Special Criminal Court of Davidson County to begin on the first Monday in January, June, and November.
19. Acts of 1903, Chapter 505, amended Acts of 1899, Chapter 427, above, by changing the terms of the Davidson County Criminal Court from the first Monday in January, June, and November to the first Monday in January, May and September.
20. Private Acts of 1913, Chapter 293, fixed the compensation of the court officers authorized and appointed to attend upon and keep order in the Criminal Court of Davidson County at \$3.00 per day for each day actually spent in attending the Court.
21. Private Acts of 1919, Chapter 172, set the terms of the Criminal Court of Davidson County to start on the first Monday in January and May, and the third Monday in September.
22. Private Acts of 1920 (Ex. Sess.), Chapter 73, amended Acts of 1841-42, Chapter 52, above, by dividing the Criminal Court of Davidson County into Division I and Division II. The terms of Court were to be held at the times authorized upon passage of the amendatory act and all procedures and rules of practice then in effect in the Criminal Court were to be adopted by the two Divisions. Minutes of the Divisions were to be kept separate but the Clerk of the Criminal Court would attend to both Divisions. The act set forth procedures for the Judges to act in conjunction with one another to facilitate cases, for appointment of court officers, and for handling the grand juries.
23. Private Acts of 1920, Chapter 109, amended Private Acts of 1913, Chapter 293, above, to increase the pay of the Criminal Court Officers from \$3.00 to \$4.00 per day for each day's actual attendance while Court was in session. The number of court officers was limited to ten. The Sheriff would appoint the officers from among his deputies.
24. Private Acts of 1921, Chapter 547, amended Private Acts of 1920 (Ex. Sess.), Chapter 73, above, by providing that the Attorney General for the district would appoint the officer of the grand jury rather than the Judges.
25. Private Acts of 1923, Chapter 518, set forth the procedure for the appointment of officers for the Criminal Court. Each Judge would select three officers from a list of deputies and constables provided by the Sheriff. In addition, the Sheriff would appoint six deputies as court officers. Each officer would receive \$4.00 per day plus regular fees for service of process, except that monthly compensation would not exceed \$200.
26. Private Acts of 1927, Chapter 424, amended Private Acts of 1923, Chapter 518, above, by raising the per diem payments for the officers of the Criminal Courts of Davidson County from \$4.00 to \$5.00 for each day worked while court was in session.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system of the State. The act provided that the Criminal Court terms in Davidson County, Divisions I and II, would begin on the first Monday in January and May and the third Monday in September.
28. Private Acts of 1935, Chapter 547, changed the appointment procedure for Court Officers so that the Judges were no longer restricted to appointing only those persons on a list prepared by the Sheriff, but could appoint any citizen of Davidson County.
29. Private Acts of 1937, Chapter 744, provided that all persons serving as Court Officers for the Criminal Courts of Davidson County would be paid \$6.00 per day for each day actually worked as

Court Officers while the Courts were in session. The Clerk was required to certify to the Trustee the names of the Court Officers and the days worked and the Trustee would issue the warrant for payment. A \$200 per month limit on the compensation of the officers remained.

30. Private Acts of 1945, Chapter 230, stated that the bailiffs and court officers serving the Criminal Courts of Davidson County, who also served process and performed other duties of a deputy sheriff, would each receive \$8.00 per day on the first day of each month on warrants drawn on the County Trustee. They would also be entitled to the regular fees for serving process. The combined amount of compensation could not exceed \$225 a month. All excess fees earned over that amount would be paid to the Sheriff. Bailiffs who waited on the Court but did not serve process were to be paid \$5.00 for each day worked.
31. Private Acts of 1947, Chapter 296, amended Private Acts of 1945, Chapter 230, above, by increasing the per diem rate for officers of the Criminal Courts from \$8.00 to \$9.00 and by increasing the maximum monthly compensation from \$225 to \$250, including fees for serving process. The act increased the per diem pay of officers who did not serve process from \$5.00 to \$6.00.
32. Private Acts of 1947, Chapter 490, made it the duty of the Judge of the Criminal Court of Davidson County to appoint a parole officer. The officer would investigate, supervise, and oversee the control of persons placed on parole or given suspended sentences. General procedural requirements were set forth to be followed by the officer who was required to keep records. In addition to \$200 per month as salary, the officer would receive up to \$50 per month for itemized expenses.
33. Private Acts of 1949, Chapter 242, amended Private Acts of 1947, Chapter 296, above, by changing the per diem allowed Court Officers from \$9.00 to \$11.00 and from \$6.00 to \$7.00. The lower amount was for officers who did not serve process.
34. Private Acts of 1949, Chapter 281, amended Private Acts of 1947, Chapter 490, Section 6, above, by increasing the monthly salary of the Parole Officer from \$200 to \$250 and the maximum amount allowed for the expenses of the office from \$50 to \$100 per month.
35. Private Acts of 1951, Chapter 45, amended Private Acts of 1947, Chapter 490, Section 6, above, by adding a paragraph which authorized a secretary for the Parole Officer to be paid a salary of \$185 per month. The Criminal Court Judges would make the appointment.
36. Private Acts of 1951, Chapter 175, amended Private Acts of 1920 (Ex. Sess.), Chapter 73, above, by changing the dates of two of the terms of the Davidson County Criminal Court from the first Monday in January and the third Monday in September each year, to the second Monday in January and September of each year.
37. Private Acts of 1951, Chapter 341, amended Private Acts of 1949, Chapter 242, above, by allowing \$12 per day to Court Officers who served process and \$10 per day to the other officers.
38. Private Acts of 1953, Chapter 335, amended Private Acts of 1947, Chapter 490, above, by authorizing the Attorney General of Davidson County, along with the Judges, to appoint the Parole Officer and also by raising the monthly salary of the Parole Officer from \$250 a month to \$450 a month.
39. Private Acts of 1957, Chapter 190, amended Private Acts of 1945, Chapter 230, above, by changing the \$12 per diem to \$13 and changing the maximum amount the Court Officers could earn to \$350.
40. Private Acts of 1959, Chapter 157, amended Private Acts of 1945, Chapter 230, above, by changing the per diem of Court Officers from \$13 to \$15 and the maximum compensation from \$350 to \$400.
41. Private Acts of 1961, Chapter 174, amended Private Acts of 1947, Chapter 490, above, by raising the monthly salary of the Parole Officer from \$450 to \$550.
42. Private Acts of 1961, Chapter 175, amended Private Acts of 1947, Chapter 490, above, by increasing the monthly salary of the secretary to the Parole Officer from \$185 to \$200 a month.
43. Public Acts of 1967, Chapter 169, created the Third Criminal Court of Davidson County to have concurrent jurisdiction with the Criminal Court and the Second Criminal Court. The Judge would be elected for eight-year terms. All procedures, process, and pleadings would be the same as in the other Criminal Courts.
44. Private Acts of 1967-68, Chapter 331, amended Private Acts of 1923, Chapter 518, above, by altering the method of appointing court officers. The Judges of the Criminal Court were authorized to appoint six persons for each division to serve under the supervision of the Judges.

The Sheriff was required to deputize the officers so that they could serve process for the Court.

45. Public Acts of 1976, Chapter 478, changed the dates for holding the terms of each Division of the Criminal Court to the second Monday in January, May, and September.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Davidson 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. Acts of 1784, Chapter 36, Laws of North Carolina, provided that the Court of Pleas and Quarter Sessions for Davidson County could appoint an Attorney General to act for the State who was required to attend every session of the Court and prosecute in the name of the State every lawsuit to which the State was a party. Compensation would be twenty pounds a year.
2. Acts of 1796 (Mar. Sess.), Chapter 8, provided for the appointment of three Attorneys Generals in the newly created State of Tennessee, one each for the Districts of Washington, Hamilton, and Mero. The duty of the Attorney General was to prosecute on behalf of the State all matters cognizable in the Superior Courts of law. Each Attorneys General was to attend all sessions of the Court within his district and was to receive a fee of \$40 per session.
3. Acts of 1799, Chapter 58, appropriated the sum of \$200 to be paid by the State to Archibald Roane for his services as the Attorney General of the Hamilton District and the sum of \$400 to be paid to Andrew Jackson for his services as the Attorney General of the Mero District. The Treasurer was to pay these sums out of the State Treasury.
4. Acts of 1817, Chapter 65, divided Tennessee into ten Solicitorial Districts. The Seventh District contained the Counties of Davidson, Williamson and Sumner. The General Assembly would appoint an Attorney General for each district who would prosecute all suits to which the State was a party. The Attorney General would be paid a salary of \$125 per year plus an allowance up to \$50 for expenses, to be paid by the county or counties served by his office.
5. Public Acts of 1865-66, Chapter 6, directed the Attorney General of the Judicial Circuit containing Davidson County and Nashville to enter a nolle prosequi in all cases in which a true bill or indictment had been returned by the Grand Jury of Davidson County against each and every free person of color for violations of Section 2728 and 2729 of the Code of Tennessee, provided the defendant paid the costs and had a license from the Military Governor, a military commander, or the County Clerk.
6. Public Acts of 1897, Chapter 24, provided that the District Attorney in any district or circuit in the State which had a county with 50,000 or more population would appoint an assistant whose compensation would be \$1,200 a year, payable quarterly out of the State Treasury. The Act was repealed in 1945.
7. Public Acts of 1897, Chapter 58, allowed the County Courts of counties having a population of 80,000 or more to appropriate to the District Attorney of such counties so much additional compensation as they considered just and equitable. In no event could the additional compensation exceed \$1,000 per year. See Davidson County v. Kirkpatrick, 150 Tenn. 546, 266 SW 107 (1924), in which the constitutionality of the act was upheld by the Supreme Court.
8. Public Acts of 1899, Chapter 384, provided that in Davidson County an Assistant Attorney General would be paid \$1,800 per year, \$1,200 to come from the State and \$600 from the County.
9. Private Acts of 1920 (Ex. Sess.), Chapter 88, allowed the Attorney General in Davidson County to appoint an additional assistant to be paid \$3,000 per year, \$1,800 from the State, and \$1,200 from the County.
10. Private Acts of 1923, Chapter 517, allowed the Quarterly County Court of Davidson County to appropriate and pay the sum of \$1,200 a year as supplemental compensation to the District Attorney and \$900 a year to each Assistant District Attorney.
11. Private Acts of 1925, Chapter 191, directed the Quarterly County Court of Davidson County to appropriate and pay to the District Attorney the sum of \$1,500 a year as additional compensation and the sum of \$1,200 per year to each of the two Assistant District Attorneys, the payments to begin on April 1, 1925.
12. Private Acts of 1927, Chapter 28, created an additional position of Assistant Attorney General in Davidson County, at a salary of \$2,400, of which \$600 would be paid by the County. The Assistant would perform stenographic, clerical, or other such duties as would be assigned to him by the District Attorney General.

13. Private Acts of 1927, Chapter 578, amended Private Acts of 1925, Chapter 191, above, to fix the compensation of the two Assistant District Attorneys paid by Davidson County as additions to their state salaries at \$1,500 a year, instead of \$1,200. The new rate would be effective beginning on May 1, 1927.
14. Private Acts of 1927, Chapter 817, allowed the Attorney General for Davidson County to appoint one additional officer or deputy to investigate and take the statements of witnesses in felony and in other cases, and to perform whatever duties may be assigned to him by the Attorney General to assist in the enforcement of the law. The office was required to file a bond in the amount of \$5,000 and would be paid a yearly salary of \$2,100. The act granted the officer the authority and powers of a deputy sheriff.
15. Private Acts of 1929, Chapter 134, enabled the Attorney General for Davidson County to appoint two officers or deputies, whose duties would be to investigate and take statements of witnesses and perform assignments made by the Attorney General of the District. Annual compensation would be \$2,700 for each appointee.
16. Private Acts of 1929, Chapter 210, amended Private Acts of 1927, Chapter 28, above, by raising the added compensation of the Assistant District Attorney paid by Davidson County from \$600 to \$900 annually.
17. Private Acts of 1929, Chapter 750, stated that the Attorney General in Davidson County would receive, in addition to all other compensation authorized by law, the sum of \$1,800 a year to be used by the Attorney General for all necessary expenses incurred in the discharge of his official duties, including the purchase of mechanical equipment for crime detection. The money would be paid out of the State Treasury on requisition from the Attorney General.
18. Private Acts of 1931, Chapter 80, amended Private Acts of 1927, Chapter 28, above, by increasing the salary of the first Assistant District Attorney from \$2,400 to \$3,300 a year. \$1,800 would be paid by the State and \$1,500 of the salary would be paid by the County.
19. Private Acts of 1931, Chapter 286, repealed Private Acts of 1927, Chapter 817, above.
20. Private Acts of 1931, Chapter 293, repealed Private Acts of 1929, Chapter 134, above.
21. Private Acts of 1931, Chapter 294, permitted the District Attorney General of Davidson County to appoint a Special Assistant Attorney General to investigate cases and to take statements from witnesses. The Assistant was required to be a licensed attorney and was empowered to administer oaths and call upon the sheriff for the assistance of deputies.
22. Private Acts of 1931, Chapter 366, amended Acts of 1909, Chapter 355, by making it inapplicable to Davidson County. The act had allowed the District Attorney General in Shelby County to appoint assistants. It had used population figures to describe the counties to which it applied and because of population growth, Davidson County had come within the stated population range.
23. Private Acts of 1931, Chapter 368, made the provisions of Private Acts of 1929, Chapter 531, inapplicable to Davidson County. That act had concerned assistants to the District Attorney and had applied to Shelby County. When Davidson County grew in population, it had come within the act's provisions.
24. Private Acts of 1935, Chapter 151, allowed the Quarterly County Court of Davidson County to appropriate from general funds, or from other available funds, the sum of \$3,000 a year to pay to the Attorney General and the sum of \$1,500 a year to pay each of his three assistants. The additional amounts were intended to be in addition to any other salaries paid the officials.
25. Private Acts of 1935, Chapter 561, , empowered the District Attorney to appoint two officers or deputies to investigate and take statements of witnesses, to perform investigatory duties, to assist law enforcement agencies, and to perform other duties as assigned by the Attorney General. Compensation for the officers was set at \$2,700 each.
26. Private Acts of 1943, Chapter 103, amended Private Acts of 1931, Chapter 294, above, by increasing the salary of the Assistant Attorney General appointed pursuant to the act from \$3,000 to \$3,300 annually.
27. Private Acts of 1945, Chapter 542, repealed three acts that allowed the appointment of assistants to the District Attorney General in Davidson County. It authorized three assistants to be appointed by the Attorney General and to perform the duties assigned by the Attorney General. Their compensation would be \$2,400 annually payable from the State. The Quarterly County Court could authorize up to \$1,500 annually in additional compensation from the County. The acts repealed were as follows: Acts of 1897, Chapter 24; Private Acts of 1920 (Ex. Sess.), Chapter 88; Private Acts of 1927, Chapter 28.

28. Private Acts of 1947, Chapter 231, amended Private Acts of 1935, Chapter 561, above, in Section 4 by increasing the annual salary of the investigators appointed pursuant to the act from \$2,700 to \$3,600.
29. Private Acts of 1947, Chapter 482, amended Private Acts of 1945, Chapter 542, above, by increasing the authorized supplemental compensation payable by Davidson County for one of the three Assistant District Attorneys General appointed under the act from \$1,500 to \$2,400.
30. Private Acts of 1947, Chapter 730, amended Private Acts of 1945, Chapter 542, above, by increasing the limit for supplemental compensation payable by Davidson County for two of the three Assistant District Attorneys General appointed under the act from \$1,500 to \$1,750. The third investigator's allowed additional compensation remained at \$2,400.
31. Private Acts of 1949, Chapter 751, amended Private Acts of 1935, Chapter 561, above, by raising the annual compensation of the investigators appointed pursuant to the act from \$3,600 to \$4,200.
32. Private Acts of 1951, Chapter 182, directed the Quarterly County Court of Davidson County to supplement the compensation of the District Attorney General by the annual amount of \$5,500 if he did not engage in private practice and \$3,500 if he did. One Assistant would be compensable by the County in the amount of \$3,600 and two Assistants in the amount of \$2,600. The act set the additional compensation of one Assistant District Attorney General and Investigator at \$600 and provided for automobile expenses for the investigator.
33. Private Acts of 1953, Chapter 440, amended Private Acts of 1945, Chapter 542, above, by increasing the salary payable by the State of one Assistant Attorney General from \$2,400 to \$3,600. The salaries of the other two Assistants remained at \$2,400.
34. Private Acts of 1955, Chapter 375, amended Private Acts of 1951, Chapter 182, above, by increasing the amount of the expense allowance for the two special investigators in the Attorney General's office from \$800 to \$120. The act was rejected or disapproved by the Quarterly County Court and did not become effective.
35. Private Acts of 1961, Chapter 206, amended Private Acts of 1951, Chapter 182, above, by clarifying a confusing section on supplemental compensation for the District Attorney General's assistants and investigators. Two Assistants would be paid \$1,200 each. One Assistant and Investigator would be paid \$2,400 and two Special Investigators would be paid \$1,200 each.
36. Public Acts of 1961, Chapter 271, provided for a fourth Assistant Attorney General for Davidson County at an annual salary of \$4,800 to be paid by the State of Tennessee in monthly installments.
37. Private Acts of 1963, Chapter 132, amended Private Acts of 1951, Chapter 182, above, by increasing the automobile expense allowance for the two special investigators in the District Attorney General's office from \$800 to \$1,500 a year.
38. Private Acts of 1965, Chapter 258, amended Private Acts of 1963, Chapter 132, above, by deleting the \$1,500 maximum for automobile expenses allowed investigators in the Attorney General's office. The County either could pay monthly, itemized expenses or could furnish automobiles for the investigators.
39. Public Acts of 1967, Chapter 287, provided for two additional full time Assistants to the District Attorney General to be paid according to the general law, and two additional Special Investigators to be compensated at \$6,500 annually by the State.
40. Public Acts of 1970, Chapter 561, created an additional position of Assistant District Attorney General for the Tenth Judicial Circuit. The Assistant would be appointed by and serve at the pleasure of the District Attorney General.
41. Public Acts of 1971, Chapter 193, allowed the District Attorney General in Davidson County an additional Assistant, to be compensated under the general law. Section two of the act created the position of Non-Support Section Supervisor, the person to be compensated at \$6,600 per year.
42. Public Acts of 1973, Chapter 136, created two additional positions of Assistant Attorney General of the Tenth Judicial Circuit to be paid as other assistants under general law. The act repealed the section of Public Acts of 1971, Chapter 193, above, which provided for the position of Non-Support Section Supervisor.
43. Public Acts of 1976, Chapter 562, created an additional position of Assistant District Attorney General for the Tenth Judicial Circuit.
44. Public Acts of 1978, Chapter 845, created three additional positions of Assistant District Attorney General for the Tenth Judicial Circuit.

District Attorney General - Secretarial Assistance

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

1. Private Acts of 1920, Chapter 16, allowed the District Attorney General of Davidson County to appoint a stenographer to render stenographic and clerical services in connection with the business of that office who would work at the will and direction of the District Attorney General. The annual salary was set at \$1,500 to be paid monthly out of county funds on the warrant of the County Judge or Chairman.
2. Private Acts of 1937, Chapter 745, authorized the District Attorney to appoint a stenographer at an annual salary of \$1,200 payable monthly by the County.
3. Private Acts of 1943, Chapter 22, amended Private Acts of 1937, Chapter 745, above, by increasing the annual salary of the stenographer in the District Attorney's Office from \$1,200 to \$1,800.
4. Private Acts of 1949, Chapter 210, amended Private Acts of 1937, Chapter 745, above, by fixing the salary range of the stenographer in the District Attorney's office at not less than \$2,400 and not more than \$3,000 a year to be payable on the first day of each month on the warrants of the County Judge.
5. Private Acts of 1951, Chapter 344, amended Private Acts of 1937, Chapter 745, above, by fixing the range of the annual salary of the District Attorney's stenographer at not less than \$3,000 and not more than \$3,600.
6. Private Acts of 1955, Chapter 340, was another amendment to Private Acts of 1937, Chapter 745, above, which fixed the annual salary of the stenographer at \$3,900. The act was not approved by the Quarterly County Court of Davidson County and did not become effective.
7. Private Acts of 1957, Chapter 11, amended Private Acts of 1937, Chapter 745, above, to fix the annual salary of the stenographer at \$4,020.
8. Public Acts of 1959, Chapter 135, established the position of Legal Secretary-Record Clerk to the Attorney General of the Tenth Judicial Circuit. The District Attorney would approve a suitable person who would perform the duties assigned and assist in the enforcement of the Reciprocal Support Act. The annual salary for the position would be \$3,900.
9. Private Acts of 1959, Chapter 161, amended Private Acts of 1937, Chapter 745, above, by raising the annual salary of the stenographer from \$4,020 to \$4,500, payable from county funds.
10. Public Acts of 1963, Chapter 314, amended Public Acts of 1961, Chapter 271, which created an assistant District Attorney's position, by adding a second section to the act that created the position of Secretary-File Clerk. Compensation for the position would be \$3,600.
11. Private Acts of 1963, Chapter 54, amended Private Acts of 1937, Chapter 745, above, by changing the title of the position created in the act from "stenographer" to "administrative assistant", and by increasing the annual salary from \$4,500 to \$6,000.
12. Public Acts of 1967, Chapter 287, created the positions of Secretary and Secretary-File Clerk for the District Attorney General in the Tenth Judicial Circuit. The Secretary's compensation was fixed at \$4,800 and the File Clerk's at \$3,600.
13. Public Acts of 1967, Chapter 317, amended Public Acts of 1963, Chapter 314, above, by raising the annual salary of the Secretary-File Clerk from \$3,600 and \$4,200.
14. Public Acts of 1967, Chapter 327, amended Public Acts of 1959, Chapter 135, above, by increasing the annual salary of the Legal Secretary-Record Clerk from \$3,900 to \$4,500.
15. Public Acts of 1970, Chapter 505, amended Public Acts of 1967, Chapter 287, above by fixing the annual salary of the secretary for the District Attorney General at \$5,400.
16. Public Acts of 1970, Chapter 506, amended Public Acts of 1963, Chapter 314, above, by raising the salary of the Secretary-File clerk from \$4,200 to \$4,800 a year.
17. Public Acts of 1970, Chapter 562, amended Public Acts of 1959, Chapter 135, above, by increasing the annual salary of the Legal Secretary- Record Clerk from \$4,500 to \$5,100.
18. Public Acts of 1970, Chapter 563, amended Public Acts of 1967, Chapter 287, above, by increasing the annual salary of the Secretary-File Clerk from \$3,600 to \$4,200.
19. Public Acts of 1971, Chapter 393, amended Public Acts of 1959, Chapter 135, above, by increasing the annual salary of the Legal Secretary-Record Clerk from \$5,100 to \$6,300.
20. Public Acts of 1971, Chapter 394, amended Public Acts of 1967, Chapter 287, above, to provide

for the office of Secretary-File Clerk in the District Attorney's office at a salary of \$5,400 annually.

21. Public Acts of 1971, Chapter 395, amended Public Acts of 1963, Chapter 314, above, by increasing the annual salary of the Secretary-File Clerk from \$4,800 to \$6,000.
22. Public Acts of 1973, Chapter 136, established an additional position of Secretary-File Clerk in the Davidson County District Attorney's office.
23. Public Acts of 1973, Chapter 143, provided for cost of living salary increases for the Legal Secretary-File Clerk, secretary, and Secretary-Record Clerk positions in the District Attorney's office in Davidson County to take effect on September 1 of each year.

General Sessions Court

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

1. Private Acts of 1937, Chapter 12, established the Court of General Sessions, Parts I, II, and III for Davidson County, and vested in it all the jurisdiction then conferred by law upon the Justices of the Peace in civil and criminal cases. The Court would sit in Nashville, except at least one day per week one Part would sit in Old Hickory. Pleading, practice, and forms would remain unchanged and appeals would lie in the Circuit Court. Following appointment of the initial set of judges by the Governor, the judges for the Court would be elected and beginning in 1942, would be elected for eight year terms. Each judge could appoint one court officer. The judges would be compensated at the rate of \$4,000 per year.
2. Private Acts of 1939, Chapter 219, prescribed the criminal jurisdiction of the General Sessions Court. The Court could hear all cases in which the defendant, after being advised of his rights had either pleaded guilty or had requested a trial, but waived presentment, indictment, and jury trial. The final judgment in such cases could be appealed to the Davidson County Criminal Court to be tried without a jury, indictment or presentment. The Clerk of the Criminal Court would act as Clerk of the Court in criminal cases.
3. Private Acts of 1941, Chapter 187, amended Private Acts of 1937, Chapter 12, above, by establishing a schedule of costs and fees to be charged by the General Sessions Court.
4. Private Acts of 1941, Chapter 335, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the Court officer appointed pursuant to that act from \$1,200 to \$1,500 per year.
5. Private Acts of 1943, Chapter 90, amended Private Acts of 1937, Chapter 12, by adding a provision that all cases must be set for a definite time. The practice which prevailed in the Justice of the Peace Courts of allowing one hour for the parties to appear would no longer apply.
6. Private Acts of 1945, Chapter 228, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the General Sessions Court officers from \$1,500 to \$1,680.
7. Private Acts of 1947, Chapter 801, amended Private Acts of 1937, Chapter 12, by increasing the annual salaries of the Judges of the General Sessions Court from \$4,000 to \$5,000.
8. Private Acts of 1947, Chapter 859, amended Private Acts of 1937, Chapter 12, by providing that the Circuit Court Clerk would be paid \$900 a year as additional compensation for acting as the Clerk of the General Sessions Court. All fees and costs collected by the Clerk would be considered as fees, costs, and emoluments of the office of Circuit Court Clerk.
9. Private Acts of 1947, Chapter 861, amended Private Acts of 1939, Chapter 219, above, by compensating the Clerk of the Criminal Court in the amount of \$900 per year in return for acting as the Clerk of the Criminal Division of the General Sessions Court of Davidson County. The fees and costs collected by the Clerk would be considered as the fees, costs and emoluments of the office of Criminal Court Clerk.
10. Private Acts of 1947, Chapter 862, was an attempt to amend Private Acts of 1945, Chapter 228, above, by raising the annual salaries of the Court officers of the General Sessions Courts from \$1,680 to \$1,980. The act, however, stated it was amending a 1937 act.
11. Private Acts of 1949, Chapter 244, amended Private Acts of 1937, Chapter 12, above, to increase the annual salary of the Judges of the General Sessions Courts from \$5,000 to \$6,000.
12. Private Acts of 1949, Chapter 333, amended Private Acts of 1945, Chapter 228, by raising the annual salary of the Court Officers in the General Sessions Courts to \$2,400.
13. Private Acts of 1949, Chapter 635, amended the Private Acts of 1937, Chapter 12, by striking a portion relative to appeals from the General Sessions Courts and inserting a provision authorizing the Judges of the General Sessions Courts to sign fiats for writs of temporary injunctions and fix the amount of the bonds.

14. Private Acts of 1951, Chapter 461, amended Private Acts of 1937, Chapter 12, by inserting an entirely new Section 16 which allowed the Judges of the Court each to appoint a Court officer to be paid \$3,600 a year and allowed the Judges jointly to appoint a bailiff to attend all sessions of the Courts and be paid \$2,400 a year.
15. Private Acts of 1951, Chapter 462, amended Private Acts of 1937, Chapter 12, by inserting a new Section 4 which required the Judges of Parts I, II, and III, of the General Sessions Court to be available until 5:00 p.m. and by creating Parts IV and V of the General Sessions Court to be open from 5:00 p.m. until midnight and from midnight until 7:00 a.m. seven days per week. The Judges of Parts I, II, and III, would assign a Court officer to attend Parts IV, and V.
16. Private Acts of 1951, Chapter 714, amended the Private Acts of 1947, Chapter 859, above, by declaring the Clerk would have concurrent authority with the Judges to issue warrants and other writs and processes other than those which were required by law to be issued by a judicial officer.
17. Private Acts of 1953, Chapter 431, amended Private Acts of 1937, Chapter 12, by raising the annual salary of the bailiff of the General Sessions Court from \$2,400 to \$3,000.
18. Private Acts of 1955, Chapter 147, amended Private Acts of 1937, Chapter 12, by granting the Judges of the General Sessions Court the same discretionary powers relating to the setting of bail for defendants making bond as were held by judges of courts of record.
19. Private Acts of 1957, Chapter 96, amended the Private Acts of 1937, Chapter 12, Section 11, by increasing the salary of the Judges of General Sessions Court from \$6,000 to \$7,500 per year, effective September 1, 1958.
20. Private Acts of 1957, Chapter 141, amended Private Acts of 1937, Chapter 12, by increasing the annual salary of the Court officers of the General Sessions Court from \$3,600 to \$4,200. The act was rejected or disapproved by the Davidson County Quarterly Court and did not become effective.
21. Private Acts of 1957, Chapter 361, amended Private Acts of 1951, Chapter 462, above, by increasing the salary of the night Judges of the General Sessions Court, Parts IV and V, from \$3,600 to \$4,000.
22. Private Acts of 1959, Chapter 124, amended Private Acts of 1951, Chapter 462, above, by creating Parts IV, V, and VI of the General Sessions Court. The then current Judges of Parts IV and V would remain as such and a new Judge for Part VI would be elected. Parts IV, V, and VI would be known as Night Courts and would be open from 5:00 p.m. to 7:00 p.m.
23. Private Acts of 1961, Chapter 214, increased the annual salary of the bailiff of the General Sessions Court from \$3,600 to \$4,200.
24. Private Acts of 1963, Chapter 245, increased the annual salary of the Judges of Part IV, V, and VI, of the General Sessions Court from \$4,000 to \$6,000 to be effective on September 1, 1966.
25. Private Acts of 1963, Chapter 276, amended the Private Acts of 1937, Chapter 12, by fixing the annual salary of the Judges of Parts I, II, and III of the General Sessions Courts at \$12,000, payable monthly out of the ordinary funds of the Metropolitan Government, and by declaring that the salaries were not to be increased or diminished during the terms of office.
26. Private Acts of 1965, Chapter 236, amended the Private Acts of 1963, Chapter 245, above, by raising the salary of the Night Court Judges of the General Sessions Court from \$6,000 to \$7,000.
27. Private Acts of 1971, Chapter 115, amended the Private Acts of 1937, Chapter 12, by fixing the annual salary of the Judges of Parts I, II, III, of the General Sessions Court at an amount equal to that paid Circuit Court Judges in Davidson County.

Probate Court

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

1. Private Acts of 1957, Chapter 328, established a Probate Court in Davidson County to be presided over by a Judge who would be elected by the people on the first Thursday in August, 1958, and whose qualifications were to be the same as those of Circuit Judges. This Court would have original jurisdiction in all matters of probate. The County Court Clerk would serve as the Clerk of the Court. The terms of Court would begin on the first Monday of every month. The Sheriff would furnish a deputy to attend Court sessions. The Judge would be compensated as were Circuit Judges. The act was not presented to the County Court and did not become effective.

2. Private Acts of 1963, Chapter 124, as amended by Private Acts of 1974, Chapter 366, Private Acts of 1982, Chapter 279, Private Acts of 1992, Chapter 169, Private Acts of 1995, Chapter 62, established a court of record to be called the Probate Court of Davidson County to consist of one Judge, who was elected for a term of eight years and every eight years thereafter. The county judge served as judge of the Probate Court. Private Acts of 1963, Chapter 124, as amended, was repealed by the Private Acts of 1997, Chapter 13, effective September 1, 1998.

Secretarial Assistance

The following acts 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 1919, Chapter 318, created the office of Official Stenographer for the Chancery Court, Part I and II, of Davidson County. The position was to be held by appointment of a suitable person by the Chancellors and the individual was to be compensated by salary not to exceed \$36 per week.
2. Private Acts of 1937, Chapter 252, authorized the Judges of the Criminal Court of Davidson County to appoint a stenographer who would serve at the pleasure and direction of the Judges and receive an annual salary of \$1,800, payable in equal, monthly installments out of regular County funds.
3. Private Acts of 1945, Chapter 544, amended Private Acts of 1919, Chapter 318, above, fixing the salary of the Stenographer for the Chancellors of Davidson County at \$175 per month, payable on the warrant of the County Judge.
4. Private Acts of 1945, Chapter 549, amended Private Acts of 1937, Chapter 252, above, by increasing the annual salary of the Stenographer for the Criminal Court Judges from \$1,800 to \$2,100.
5. Private Acts of 1947, Chapter 263, allowed the Judges of the Circuit Court of Davidson County to appoint a stenographer for the Court who would hold office at the will of the Judges and receive a salary of \$175 a month, payable out of regular County funds.
6. Private Acts of 1947, Chapter 308, authorized Davidson County to appropriate funds and to purchase typewriters and other office supplies for the Stenographer of the Judges for the Circuit Court, Chancery Court, and Criminal Court of Davidson County.
7. Private Acts of 1947, Chapter 664, amended Private Acts of 1937, Chapter 252, above, by providing that the annual salary of the Stenographer for the Judges of the Criminal Court would be no less than \$1,800 and no more than \$2,250, the exact amount to be set by the Judges of the Court.
8. Private Acts of 1949, Chapter 223, amended Private Acts of 1947, Chapter 263, above, by raising the monthly salary of the Stenographer for the Circuit Court Judges of Davidson County from \$175 to \$250.
9. Private Acts of 1949, Chapter 224, amended Private Acts of 1919, Chapter 318, above, by fixing the annual salary of the Stenographer of the Davidson County Chancery Court at no less than \$2,500 and no more than \$3,000 to be paid out of regular County funds on the certificate of the Chancellors that the work was satisfactorily performed.
10. Private Acts of 1949, Chapter 225, amended Private Acts of 1937, Chapter 252, above, by changing the lower limit of the annual salary to be paid to the Stenographer for the Criminal Court Judges from \$1,800 to \$2,250 and the upper limit from \$2,250 to \$3,000, the amount to be fixed by the Judges of the Court.
11. Private Acts of 1951, Chapter 334, amended Private Acts of 1949, Chapter 225, above, by changing the upper limit of the annual salary of the Stenographer for the Criminal Court Judges from \$3,000 to \$3,600.
12. Private Acts of 1953, Chapter 178, amended Private Acts of 1919, Chapter 318, above, by fixing the annual salary of the Davidson County Chancery Court Stenographer at not less than \$2,500 nor more than \$3,600, payable out of the County treasury on the certificate of the Chancellors.
13. Private Acts of 1955, Chapter 341, amended Private Acts of 1937, Chapter 252, above, by fixing the annual salary of the Stenographer for the Judges of the Criminal Court at \$3,900. The act was not approved locally and did not become effective.
14. Public Acts of 1957, Chapter 148, authorized the two chancellors in the Seventh Chancery Division in Davidson County to appoint a secretary whose salary would be \$3,600 per year.
15. Public Acts of 1957, Chapter 149, authorized the Circuit Judge of the Tenth Circuit to appoint a

- secretary whose annual salary would be \$3,000.
16. Private Acts of 1957, Chapter 210, repealed Private Acts of 1937, Chapter 252, above.
 17. Private Acts of 1957, Chapter 212, authorized the County Court of Davidson County to appropriate from the general fund an amount not in excess of \$300 per year as additional compensation for the Secretary serving the Criminal Court.
 18. Private Acts of 1957, Chapter 357, repealed Private Acts of 1947, Chapter 263, above.
 19. Private Acts of 1957, Chapter 358, repealed Private Acts of 1919, Chapter 318, above,
 20. Private Acts of 1957, Chapter 359, authorized the County Court of Davidson County to pay the Secretary of the Davidson County Chancery Court an amount not to exceed \$420 per year as additional compensation.
 21. Private Acts of 1957, Chapter 360, authorized the County Court to appropriate and to pay to the Secretary of the Circuit Judges of the Tenth Judicial Circuit the sum of \$300 a year as compensation in addition to that paid by the State.
 22. Private Acts of 1959, Chapter 355, amended Private Acts of 1957, Chapter 360, above, by increasing the annual compensation paid to the Secretary of the Circuit Court Judges in addition to the pay by the State from \$300 to \$600.
 23. Private Acts of 1961, Chapter 384, amended Private Acts of 1957, Chapter 212, above, by increasing the amount of supplemental pay for the Secretary to the Criminal Court Judges from \$300 to \$600 a year.
 24. Public Acts of 1963, Chapter 337, authorized the Judges of the Tenth Circuit to appoint an additional secretary to be paid \$3,600 per year from the State Treasury.
 25. Public Acts of 1963, Chapter 342, amended Public Acts of 1957, Chapter 149, above, by raising the annual salary of the Secretary for the Circuit Court from \$3,000 to \$3,600.
 26. Public Acts of 1967, Chapter 158, amended Public Acts of 1957, Chapter 148, above, and increased the salary of the Secretary to the Chancery Court in Davidson County to \$4,800.
 27. Public Acts of 1976, Chapter 766, allowed the appointment of an additional secretary for the Davidson County Chancery Court to be paid a salary as set by the Executive Secretary of the Supreme Court.

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