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Court System - Historical Notes

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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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Board of Jury Commissioners- Jurors

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

1. Acts of 1799, Chapter 40, provided that from and after the passage of this Act, the counties in the Mero District of Tennessee were required to send jurors to the Superior Courts according to this Act. Davidson County would send ten jurors; Sumner County, seven jurors; Smith County, four jurors; Wilson County, four jurors; Robertson County, five jurors; Montgomery County, five jurors; and Williamson County, five jurors.
2. Acts of 1803, Chapter 73, was an apportionment of jurors to be furnished by the counties to the Superior Court of the Mero District. In this Act Wilson County's quota was three.
3. Acts of 1806, Chapter 24, re-annexed Wilson County to the Mero District and apportioned the number of jurors to be provided by the counties of the Mero District. Davidson County would be obligated to furnish twelve jurors; Sumner County, eight; Wilson County, six jurors; Williamson County, eight; and Rutherford County, five jurors.
4. Acts of 1817, Chapter 128, made it lawful for the Justices of the Peace of the counties of Davidson, Smith, Rutherford, Franklin, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson and Dickson to levy a tax in their respective counties to pay jurors some added compensation for attending the County and Circuit Courts, but the added pay could not exceed fifty cents per day.
5. Private Acts of 1909, Chapter 334, created a Board of Jury Commissioners in Wilson County and Rutherford County. The Board would consist of three discreet householders and freeholders of the County appointed by the Circuit Judge, or Judges having criminal jurisdiction, who were not practicing attorneys, who had no suit pending in the Courts, and no more than two of whom could belong to the same political party, and who would serve terms of one year. Vacancies were to be filled in the same manner. After being sworn according to the oath in the Act, the Commissioners would organize by choosing a Chairman. The Circuit Court Clerk or his Deputy, also being sworn, would be the Clerk to the Commissioners. The Commissioners would select qualified people as potential jurors from the tax rolls, no more than 1,000 nor less than 250, equal to one-fifth of the number of votes cast in the last presidential election. Those chosen would constitute the jury list for the next two years. Their names would be entered alphabetically in a book and the list would be certified by all three Commissioners. The names were also to be put on slips of paper and placed in a Jury Box to be locked and sealed, and never opened except in the presence of the Board or the Judge. Ten to fifteen days before the term of Court, the Box would be opened in the presence of the Board and a child under ten years of age would draw out the number of names specified to serve as jurors for the ensuing term of Court. Those names not serving would be returned to the Box. The Commissioners would be paid \$2 for each day of service devoted to making up jury lists.
6. Private Acts of 1915, Chapter 95, stated that every regular juror serving in the courts of Wilson county was entitled to be paid \$2 for each day's service plus four cents per mile going and returning from home to court, all of which would be paid out of the county treasury. Tales jury men were to be paid the same under certain circumstances.
7. Private Acts of 1937, Chapter 350, fixed the pay of all jurors in Wilson County at \$2 per day for each day's service as a juror, and four cents per mile travel each way between home and court but only for one trip per term. Tales jury men would be paid at the same rate for every day they served as jurors, plus the same amount of mileage. All of the compensation was to come out of the ordinary county funds.
8. Private Acts of 1947, Chapter 401, amended Private Acts of 1937, Chapter 350, by increasing the per diem rate for jurors from \$2 to \$3 and the mileage payments from four cents to five cents, all other conditions to remain the same.
9. Private Acts of 1951, Chapter 212, amended Private Acts of 1909, Chapter 334, but only as to remove Rutherford County from its provisions.
10. Private Acts of 1955, Chapter 139, would have set the compensation of the members of the Board of Jury Commissioners of Wilson County, acting for the Circuit and Criminal Court, as was provided by Private Acts of 1909, Chapter 334, at \$10 per day for each day's service in making up jury lists. The same would be paid out of the county treasury on the warrant of the County Judge.

The Clerk who served as the Secretary of the Board would likewise be paid \$10 for each day's service. This Act was not approved by the Wilson County Quarterly Court and never became an effective law.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Wilson County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1806, Chapter 19, divided the Mero District into three separate judicial districts. The new Winchester District contained the counties of Jackson, Smith and Wilson which would hold two superior courts of law and a court of equity in the town of Carthage. Court would commence on the third Mondays of October and April.
2. Public Acts of 1822, Chapter 13, provided that the Chancery Courts of Tennessee would be held by one of the Judges of the Supreme Court of Errors and Appeals at the present places where the Supreme Court met at least once each year. The Court would be held at Rogersville on the first Monday in November, at Knoxville on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January. The terms would continue for two weeks unless the dockets were cleared at an earlier time. The judges of the Supreme Court would possess original equity jurisdiction and the Clerks of the Supreme Court in each circuit would serve as Clerks and Masters.
3. Public Acts of 1824 (Ex. Sess.), Chapter 14, required the Judges of the Supreme Court to arrange among themselves to hold the Chancery Courts at the places specified at least twice each year. The Chancery Court at Carthage would hear cases from the counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson on the third Monday in May and November of each year. The Judges would appoint Clerks and Masters for the Chancery Courts.
4. Public Acts of 1827, Chapter 79, divided the State into two Chancery Divisions; the Eastern, composed of the courts of Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western which contained the Chancery Courts meeting at Franklin, Columbia, Charlotte, Jackson, and Paris. The judges of the Supreme Court were divested of original chancery jurisdiction and the General Assembly was to elect two Chancellors by joint ballot.
5. Public Acts of 1827, Chapter 88, amended Public Acts of 1827, Chapter 79, by requiring that Chancellors hold the Chancery Courts of Tennessee at least twice each year at the places named in the Act. The Court at Carthage had jurisdiction over causes arising in the counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson and would meet on the third Monday in July and January.
6. Public Acts of 1829, Chapter 103, Section 3, changed the opening dates of the terms of the Chancery Court at Carthage to the second Monday in January and July instead of the third Monday.
7. Public Acts of 1832, Chapter 19, moved the terms of the Chancery Court at Carthage to the third Monday in January and July to continue for two weeks and all process was made to conform to the change in dates.
8. Public Acts of 1835-36, Chapter 3, enacted to implement the new State Constitution, provided for a three member Supreme Court, one Judge being selected from each of the Grand Divisions of the State, who would be appointed by the General Assembly. The Judges, after being sworn and commissioned, would meet at least once each year at Knoxville, Nashville, and Jackson. Wilson County, plus 23 other counties, was in the Middle Division of the State.
9. Public Acts of 1835-36, Chapter 4, arranged for the Chancery Courts to have Chancellors to preside over them who would be appointed by the General Assembly and commissioned by the Governor. The State was divided into three Chancery Divisions each of which was further broken down into Districts. Wilson County made up the Fourth District of the Middle Division whose Court would open at Lebanon on the fourth Monday of January and July.
10. Acts of 1837-38, Chapter 116, Section 13, rearranged the schedule for court terms of Chancery Court in some counties of the Middle Division of Tennessee. The Fourth District Chancery Court would convene at Lebanon on the third Monday in January and July.
11. Acts of 1839-40, Chapter 21, set the Chancery Court terms for the Fourth District of Middle Tennessee to begin on the second Monday in January and July at Lebanon.
12. Acts of 1843-44, Chapter 161, changed the terms of the Chancery Courts for Bedford County,

Warren County, and Wilson County. Wilson County's Court would begin on the third Monday in January and July.

13. Acts of 1847-48, Chapter 132, Section 4, provided that the Chancery Court of Wilson County at Lebanon would hereafter be held on the first Monday in January and July.
14. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Chancery Division included the counties of Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Wilson whose Court terms were to start on the first Monday in January and July at Lebanon.
15. Private Acts of 1859-60, Chapter 59, Section 7, stated that the Chancery Court terms in Wilson County would begin hereafter on the second Monday in April and October each year at Lebanon but the next term would start on the first Monday in July.
16. Public Acts of 1870, Chapter 32, was a major reorganization of the lower judicial system of the State enacted pursuant to the 1870 Constitution. There would be twelve Chancery Divisions of which the Sixth Chancery District would be composed of the counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham, and Trousdale.
17. Public Acts of 1870, Chapter 47, scheduled court terms for the Chancery Courts of every county in the State. In Wilson County the Chancery Court would meet on the second Monday in June and December.
18. Public Acts of 1873, Chapter 12, repealed the provisions of Public Acts of 1870, Chapter 47, as they applied to the Sixth Chancery Division and rescheduled the terms of the Courts in the Sixth Chancery Division. Wilson County's Chancery Court would open its regular terms on the third Monday in April and October to which dates all process was to conform.
19. Public Acts of 1873, Chapter 62, Section 3, changed the opening dates of the Chancery Court terms in Wilson County to the second Monday in April and October.
20. Public Acts of 1877, Chapter 47, rearranged the terms of Court for the counties in the Sixth Chancery Division which included Sumner, Trousdale, Montgomery, Houston, Stewart, Cheatham, Robertson, and Wilson. Chancery Court terms would begin in Wilson on the fourth Monday in April and October at Lebanon.
21. Public Acts of 1879, Chapter 36, reset the terms of the Courts in the Sixth Chancery Division assigning Wilson County's Court to the third Monday in March and the fourth Monday in October.
22. Public Acts of 1883, Chapter 21, changed the court dates for some of the counties in the Sixth Chancery Division but Wilson County's Chancery Court remained on the third Monday in March and the fourth Monday in October.
23. Acts of 1885 (Ex. Sess.), Chapter 20, was an overhaul of the lower court system in Tennessee. Eleven Chancery Divisions were formed in the State in which process the counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale were designated as the Eighth Chancery Division. The Court in Wilson County would continue to begin terms on the third Monday in March and the fourth Monday in October.
24. Public Acts of 1895, Chapter 13, removed Montgomery County from the 8th Chancery Division but made no other changes.
25. Public Acts of 1899, Chapter 427, reorganized the lower judicial structure into ten Chancery Divisions. The Sixth Chancery Division was made up of the counties of Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson. Wilson County's Court term would start on the second Monday in April and October.
26. Private Acts of 1905, Chapter 286, changed the opening dates of the regular terms of court in some of the counties in the Sixth Chancery Division but Wilson County remained on the second Mondays in April and October.
27. Private Acts of 1919, Chapter 455, rescheduled the terms of court for the counties in the Sixth Chancery Division which included the counties of Cheatham, Dickson, Hickman, Houston, Humphreys, Montgomery, Robertson, Stewart, Sumner, and Wilson whose court would convene on the fourth Monday in May and November.
28. Public Acts of 1969, Chapter 198, was partially uncodified. It set terms for certain courts in Wilson County, provided for a new chancellor and made other provisions. T.C.A. 16-2-506 now provides Wilson County is part of the Fifteenth Judicial District and provides the number of judges. T.C.A. 16-2-510 abolishes terms of court.

Clerk and Master

The reference below contains an act which once applied to the clerk and master in Wilson County.

1. Public Acts of 1897, Chapter 124, fixed the annual salaries of various county officers according to the population class of the county in which they served. They would be deprived of all their fees, commissions, emoluments and perquisites of their office and would only receive the fixed salary in the Act. All fees would become the property of the County.

Circuit Court

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

1. Acts of 1809, Chapter 49, formed five Judicial Circuits in Tennessee. The Fourth Judicial Circuit consisted of the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. The Circuit Court terms in Wilson County would commence on the fourth Monday in March and September.
2. Acts of 1812, Chapter 68, scheduled Circuit Court terms for several counties including Wilson whose Circuit Court would commence on the first Monday in March and September.
3. Acts of 1817, Chapter 138, scheduled the terms of the Circuit Courts in the Third, Fourth, Fifth and Sixth Judicial Circuits. In Wilson County the regular terms of the Circuit Court would begin on the fourth Monday in April and October.
4. Private Acts of 1821, Chapter 127, stated that hereafter the Circuit Court of Wilson County would meet and commence its sessions as authorized by law and the Court would sit for two weeks unless the business of the Court was completed sooner.
5. Public Acts of 1829, Chapter 52, formed the Eleventh Judicial Circuit in Tennessee composed of the counties of Warren, Franklin, Bedford, Rutherford, and Wilson. A Judge would be appointed to hold the courts of the new circuit and be paid the same as other judges were paid.
6. Public Acts of 1835-36, Chapter 5, pursuant to the new State Constitution divided Tennessee into eleven Judicial Circuits. The Fifth Circuit contained the counties of Wilson, Rutherford, Bedford, Coffee, and Franklin. There would henceforth be three annual terms of the Circuit Courts with Wilson County's terms to begin on the first Monday in March, July and November.
7. Acts of 1837-38, Chapter 116, changed the regular terms of the Fifth Circuit Courts for the counties of Cannon, Rutherford, and Wilson where the Courts would meet on the first Monday of February, June, and October.
8. Acts of 1839-40, Chapter 21, arranged the regular Circuit Court terms for the counties in the Fifth Judicial Circuit shifting Wilson County's Circuit Court to open on the fourth Monday in January, May and September.
9. Acts of 1847-48, Chapter 171, established a Criminal Court of separate jurisdiction in Clarksville for Montgomery County, in Murfreesboro for Rutherford County, and in Lebanon for Wilson County which courts would be held by the Judge of the Criminal Court of Davidson County under the same rules prevailing in the Davidson County Criminal Court. All criminal cases pending in the counties mentioned were to be transferred to the Courts created herein. The Circuit Judges in these counties would continue to empanel a Grand Jury for the finding of bills of indictment. Three terms of Court would be held each year which were to be scheduled by the order of the Judge entered upon the Minute Book.
10. Acts of 1851-52, Chapter 230, provided that the Circuit Court of Wilson County would in the future be held on the third Monday in January, May, and September, but the next term of Court would take place at the time now specified under the law.
11. Public Acts of 1857-58, Chapter 98, was a major revision of the lower court structure in Tennessee. The State was divided into sixteen Judicial Circuits of which the Seventh Judicial Circuit was made up of the counties of Cannon, Rutherford, Bedford, and Wilson. Wilson County's Circuit Court would open for regular terms on the third Monday in January, May, and September.
12. Public Acts of 1868-69, Chapter 3, changed the terms of the Circuit Court in Wilson County from the third Monday to the second Monday in January, May, and September.
13. Public Acts of 1870, Chapter 31, in conformity with the new 1870 State Constitution was a thorough reorganization of the state's lower court system. The Act established fifteen regular Judicial Circuits. The Seventh Judicial Circuit consisted of the counties of Rutherford, Cannon, Wilson, and Bedford, and the Criminal Court in Wilson County.

14. Public Acts of 1870, Chapter 46, scheduled the regular court terms for the Circuit Courts of all the counties in the State according to their Circuit. Wilson County's Circuit Court would open for regular terms on the second Monday in January, May, and September. The Criminal Court for Wilson County would be held on the fourth Monday of February, June, and October by the Judge of the Seventh Judicial Circuit.
15. Acts of 1885 (Ex. Sess.), Chapter 20, constituted a major realignment of the lower court system of Tennessee. The Act created fourteen regular, and one special judicial circuits. The counties of Wilson, Rutherford, Cannon, Bedford, and Marshall were assigned to the 8th Judicial Circuit with Wilson County's Court meeting on the second Monday in January, May, and September.
16. Public Acts of 1899, Chapter 427, fashioned fourteen Judicial Circuits in the State as a part of a major reform of the judiciary. The 8th Judicial Circuit contained the counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. The Circuit Court terms in Wilson County would continue to commence on the second Monday in January, May, and September.
17. Private Acts of 1919, Chapter 45, amended Public Acts of 1899, Chapter 427, so as to detach Wilson County from the 8th Judicial Circuit and attach it to the 5th Judicial Circuit, and Private Acts of 1907, Chapter 85, was amended to require the Judge of the Criminal Court of the 5th Judicial Circuit to hold the Circuit Court for Wilson County on the third Monday in April, August, and December. The Judge of the Circuit Court in Wilson County would continue to have both civil and criminal jurisdiction.
18. Public Acts of 1967, Chapter 10, created the Twenty-fifth Judicial Circuit consisting of Jackson, Smith, Macon, Trousdale, and Wilson Counties, specifying terms. T.C.A. 16-2-506 made these counties the Fifteenth Judicial District. T.C.A. 16-2-510 abolished terms. Public Acts of 1978, Chapter 798, divided up the Fifth and Twenty-fifth Judicial Circuits for criminal jurisdiction purposes.

Clerk

The following acts have no current effect, but once applied to the Wilson County circuit court clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, included the Circuit Court Clerk among those county officials whose salary was determined by this Act according to the County's population. The compensation paid under this Act was in lieu of all fees and emoluments collected in the office which would become the property of the county.
2. Private Acts of 1903, Chapter 255, was a salary act which set the annual salaries of Circuit Court Clerks according to the population class of the county in which they served. The fees collected were to be reported to the Judge, or Chairman, of the county court in a sworn, itemized statement. If the fees were less than the salary the county would pay the difference to the clerk and if they exceeded the salary, the clerk could retain the excess.
3. Private Acts of 1911, Chapter 675, amended Private Acts of 1903, Chapter 255, to provide that in counties between 25,000 and 30,000 in population which had a Law Court in addition to the Circuit Court and where a separate office must be kept for the Law Court by the Circuit Court Clerk, the Circuit Court Clerk would be paid an annual salary of \$1,500. Wilson County was within that population range.
4. Private Acts of 1927, Chapter 722, provided that the Circuit Court Clerk in Wilson County would be paid an annual salary of \$1,800, payable monthly out of the county funds, provided the Clerk filed annually on July 1 of each year a sworn, itemized statement showing the total amount of fees collected in the office. If the fees were less than the salary, the Clerk would be paid the difference, if more, the Clerk could retain the excess. This Act was repealed by Private Acts of 1935, Chapter 374.

Criminal Court

The following acts once pertained to the Wilson County criminal court, but are no longer current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1847-48, Chapter 171, created a separate Criminal Court in Clarksville for Montgomery County, in Murfreesboro for Rutherford County, and in Lebanon for Wilson County. These Courts were to be held by the Criminal Court Judge of Davidson County under the same rules prevailing in the Davidson County Criminal Court. All criminal cases pending in the above counties were to be transferred to the new Courts. The Circuit Judges in those counties would continue to empanel the Grand Jury for the finding of bills of indictment. The Court would have three terms each year

which would be scheduled by the Judge and entered upon the Minute Book. This Act was repealed by Acts of 1849-50, Chapter 202.

2. Public Acts of 1868-69, Chapter 35, established a separate Criminal Court for Wilson County with regular sessions scheduled on the fourth Monday in February, June, and October to be presided over by the Judge of the Seventh Judicial Circuit to which Wilson County was assigned at that time. The Circuit Court Clerk would serve as Clerk of the Criminal Court.
3. Public Acts of 1873, Chapter 4, repealed so much of Public Acts of 1868-69, Chapter 35, which set up a Criminal Court in Wilson County, and returned the criminal jurisdiction to the Circuit Court where it rested before.
4. Private Acts of 1919, Chapter 45, in moving the Circuit Court of Wilson County from the Eighth Judicial Circuit to the Fifth Judicial Circuit made it the duty of the Judge of the Criminal Court of the Fifth Judicial Circuit to hold the Circuit Court for Wilson County which would have both civil and criminal jurisdiction.
5. Private Acts of 1937, Chapter 521, amended Private Acts of 1919, Chapter 45, by requiring the Criminal Judge of the Fifth Judicial Circuit to hold the Criminal Court of Wilson County at Lebanon on the third Monday in April, August, and December. This Court would be separate and apart from the Circuit Court which had civil jurisdiction.
6. Public Acts of 1978, Chapter 798, partially uncodified, created a criminal court for Wilson County. Section 16-2-506 now establishes the criminal court of Wilson County as part of the Fifteenth Judicial District.

Assistants and Criminal Investigators

The following acts once affecting Wilson County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1813, Chapter 138, directed the Solicitor General of the Fourth Judicial Circuit to order out subpoenas for witnesses to attend at the Circuit Court of Wilson County to give evidence in the case of Willie Blount, Governor v. Cumberland Turnpike Company and further directed the Circuit Court Clerk to issue the subpoenas.
2. Acts of 1817, Chapter 65, established ten Solicitorial Districts in Tennessee. The Sixth Solicitorial District included the counties of Smith, Wilson, and Rutherford. One Attorney General would be appointed by the General Assembly for each District to prosecute on behalf of the State. They would attend both the County and Circuit Courts of their District.
3. Public Acts of 1835-36, Chapter 28, made each Solicitorial District in Tennessee coincide with each Judicial Circuit. An Attorney General for each circuit would be elected by a joint vote of the General Assembly.
4. Public Acts of 1913, Chapter 27, created the office of Assistant Attorney General for the Judicial Circuit to which Wilson County was then assigned who would serve at the pleasure and direction of the Attorney-General of the Circuit. This Act was repealed by Private Acts of 1919, Chapter 156.

General Sessions Court

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

1. Private Acts of 1957, Chapter 128, would have amended Private Acts of 1945, Chapter 34, but was rejected by the Wilson County Quarterly Court and never became effective law. This Act amended Section 8 to set the salary of the Judge of the General Sessions Court at \$5,100 annually, payable in equal monthly installments out of the ordinary funds of the County. This amount was not to be decreased during the term of office.
2. Private Acts of 1981, Chapter 162, would have made substantial modifications in the General Sessions Court for Wilson County but this Act never took effect as it was not approved by the local authorities. The Court would have been vested with all the jurisdiction and authority conferred by the General Assembly upon General Sessions Courts in civil and criminal cases, and it would also serve as the Juvenile and Probate Court for Wilson County. The compensation of the Judge was raised to \$42,500 per annum and the county legislative body was empowered to set the allowances for secretarial and office expenses. The County Clerk would serve as Clerk for said Court in matters of juvenile and probate proceedings. The Judge was empowered to appoint one or more Referees, with the consent of the county legislative body, and their compensation would be set by the county legislative body.

Juvenile Court

The following act once affecting juvenile courts in Wilson County IS included herein for reference purposes.

1. Private Acts of 1981, Chapter 162, would have granted juvenile jurisdiction to the Court of General Sessions of Wilson County. This Act was not approved locally and never took effect.

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