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# Chapter V - Court System

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

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

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# Chapter V - Court System

## General Sessions Court

### Private Acts of 1987 Chapter 4

**SECTION 1.** The General Sessions Court of White County is vested with exclusive jurisdiction relating to the probate of wills and the administration of estates and related matters enumerated in Tennessee Code Annotated, Section 16-16-107, which jurisdiction was formerly exercised by the County Court presided over by the County Judge in White County and transferred to the General Sessions Court pursuant to Chapter 327 of the Private Acts of 1972. All acts of the General Sessions Court and the Circuit Court Clerk pursuant to such act are hereby ratified and approved.

**SECTION 2.** Notwithstanding any law to the contrary, the Clerk and Master of the Chancery Court in White County shall perform all clerking duties related to the jurisdiction assigned to the General Sessions Court of White County by this Act. The Clerk and Master of the Chancery Court in White County shall perform the duties relating to the administration of estates as required by Tennessee Code Annotated, Section 18-6-106, but shall not perform any judicial function with regard to the jurisdiction vested in the General Sessions Court of White County by this Act.

**SECTION 3.** The custody of all records relating to the jurisdiction vested in the General Sessions Court of White County by this Act shall be vested in the Clerk and Master of the Chancery Court of White County. The officials of other offices in the county holding any such records shall transfer them to the custody of said clerk and master.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of White County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 5.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: February 19, 1987.

### Private Acts of 2023 Chapter 15

**SECTION 1.** The General Sessions Court for White County shall have concurrent jurisdiction, power, and authority with the Chancery and Circuit Courts to hear and determine all cases of adoption, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees, and judgments. The White County Judge of the General Sessions Court may sit by interchange in exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions.

**SECTION 2.** Appeals from any judgment as to adoptions rendered by the General Sessions Court for White County arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All adoption cases brought in the General Sessions Court for White County Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state, and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the General Sessions Court for White County shall keep a docket of adoption cases filed in the General Sessions Court for White County, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts.

In exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions, the General Sessions Court of White County shall be a court of record, the records to be kept and preserved as required by law for Circuit and Chancery Courts. The Judge of the General Sessions Court for White County shall make and cause to be entered on record all such orders and decrees regarding adoption matters as may be passed by him, according to the practice and rules now obtained in the Chancery and Circuit Courts in order to affect and complete the jurisdiction herein conferred.

**SECTION 3.** The General Sessions Court for White County shall have the power and authority to try cases

regarding adoptions, the same as the Circuit and Chancery Courts now have, in all such cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

**SECTION 4.** The General Sessions Court for White County shall have authority to hear and determine all undisposed adoption cases over which jurisdiction is conferred by this act, and which are pending in White County at the time this act takes effect as if such cases had originated in the General Sessions Court for White County.

**SECTION 5.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of White County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

Passed: April 25, 2023.

## Public Acts of 1972 Chapter 505

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** Chapter 218, as amended, of the Private Acts of 1959 is amended by deleting from Section 3 the second sentence in its entirety.

**SECTION 2.** Chapter 35 of the Private Acts of 1953, as amended, is repealed.

**SECTION 3.** As of the effective date of this Act, there is created a consolidated General Sessions Court for those counties having a population of not less than 16,300 nor more than 16,400 and those counties having a population of not less than 3,700 and not more than 3,800, according to the 1970 Federal Census or any subsequent Federal Census and therein applicable to White and Van Buren Counties. Such a Court shall be referred to generally as the Greater General Sessions Court of Van Buren and White Counties and shall be known as the Court of General Sessions of Van Buren County, when sitting in Van Buren County, and the Court of General Sessions of White County, when sitting in White County.

**SECTION 4.** The Greater Court of General Sessions of Van Buren and White Counties is vested with all jurisdiction set forth in Tennessee Code Annotated, 16-1104, relative to jurisdiction of powers of General Sessions Judges. Additionally, that Court is vested with divorce jurisdiction concurrent with that of the Circuit and Chancery Courts of this State, and an appeal from any judgment in all such cases shall be to the Court of Appeals or to the Supreme Court in the same manner as is provided in such cases from the Circuit and Chancery Courts. The Greater Court of General Sessions of Van Buren and White Counties further is vested with all jurisdiction set forth in Tennessee Code Annotated, 40-118, relative to the criminal jurisdiction of General Sessions Courts.

Such jurisdiction and, in addition thereto, venue, shall extend and apply co-extensively to causes of action and to all criminal matters arising in Van Buren County, White County, or both. Jurisdiction of the Greater General Sessions Court also shall be co-extensive with the provisions and subject to the limitations set forth in Tennessee Code Annotated, 19-301, relative to limitations of civil cases; Tennessee Code Annotated, 16-301 with respect to equity jurisdiction and matters relative to forcible entry and detainer.

The Greater General Sessions Court of Van Buren and White Counties is also vested with original jurisdiction in proceedings involving or affecting juveniles, as conferred by Sections 37-203 and 37-204, Tennessee Code Annotated, or any other provision of law, upon juvenile courts, and the county judges of Van Buren and White Counties are divested of such juvenile jurisdiction.

As amended by: Private Acts of 1975, Chapter 78

**SECTION 5.** The rules of pleading and practice, as apply to Courts of Justices of the Peace and to the extent compatible with and not in conflict with the provisions of Tennessee Code Annotated, 16-112 through 16-118, relative to the same, shall apply to the Greater General Sessions Court.

**SECTION 6.** Before the commencement of any civil action, the plaintiff shall execute a cost bond with

good security in the sum of twenty-five dollars (\$25), or in lieu thereof a cash bond deposit with the Clerk of the Court of not less than five dollars (\$5) nor more than twentyfive dollars (\$25) to secure costs, subject to the application of provisions in the general law relative to the pauper oath.

Any provisions of this Act to the contrary notwithstanding, the Justices of the Peace in White County shall possess full and complete authority to issue both civil and criminal warrants and search warrants but such warrants shall be returnable to the Greater Court of General Sessions.

**SECTION 7.** The Greater Court of General Sessions shall be a Court of Record, and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 4 of this Act shall be entered immediately upon the issuance of the warrant. Upon the docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court, both interlocutory and final, orders, judgments, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other Officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the Court of General Sessions of Van Buren and White Counties, Tennessee until its issuance has been entered on said docket.

The Court of General Sessions shall keep a separate docket and minute book for all cases tried by the Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Courts to keep their minute books, and the minutes of the said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

**SECTION 8.** The Judge of the Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with power and authority and it shall be his duty to make Court rules and regulations concerning the Court's business, such as the assignment of the trial docket, the hearing of motions and the dispatch of all matters properly before the Court but the said Court shall be in session one (1) day a week in Van Buren County, except legal holidays, at 9 o'clock a.m. for the hearing of cases, disposing of motions and for the transaction of any business that may be properly before the Court, and shall be in session four (4) days or until all matters before the Court have been disposed of, if sooner, in White County.

All process shall be returnable to the first Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day for the Court when sitting in White County. And all cases in said Court shall be set for an hour certain and the practice which prevailed for allowing one hour for parties to appear in Courts of Justices of the Peace shall not apply in said Greater Court of General Sessions.

**SECTION 9.** The Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before the said Court by warrant or information wherein the persons charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of said Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

**SECTION 10.** The Judge of the Greater Court of General Sessions of Van Buren and White Counties, when a defendant is brought before said Court upon arraignment or trial, shall advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury and all other rights guaranteed him under the United States Constitution. Upon the defendant agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 9 of this Act. The waiver shall be written on or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment by a Grand Jury and likewise waives trial by a jury of his peers.

**SECTION 11.** No warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the criminal

docket of the court has been made by the clerk of said court showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said docket showing receipt of such process all of such warrants, information, dockets and other records of the Greater Court of General Sessions of Van Buren and White Counties shall be available to the District Attorney General for any legal purposes.

**SECTION 12.** All appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of the Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

**SECTION 13.** In all cases tried under the jurisdiction conferred by Sections 5 and 9 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace Courts. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen, for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in the Court as those provided by law for the Courts of Justices of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers for Services to said Court and the fines and forfeitures adjudged by said Court shall be handled, accounted for and disbursed as required by law. In all cases tried under the jurisdiction conferred by Section 4 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for the Circuit and Chancery Courts of the State of Tennessee.

**SECTION 14.** The Judge of the Court of Greater General Sessions of Van Buren and White Counties, shall be a licensed attorney of this State and a resident of the county in which he presides and such Judge shall take the same oath as that prescribed for Circuit Judges and Chancellors. Nothing contained in this Act is to be construed as preventing the Judge of the Court of General Sessions from practicing in other Courts, but he may not appear as counsel in cases arising in his Court.

**SECTION 15.** The compensation of the Judge of the Greater Court of General Sessions of Van Buren and White Counties shall be thirteen thousand five hundred dollars (\$13,500) a year, payable in equal monthly installments out of the general funds of the counties in which he presides, and said compensation shall be in lieu of all fees, and all the fees of the Court shall be paid into the general fund of the counties. The compensation of the Judge of the said Court shall not be increased or diminished during his term of office. The judge's salary shall be paid on the basis of the following formula: \$4,000 from the general fund of Van Buren County and \$9,500 from the general fund of White County.

The judge of the Greater General Sessions Court of Van Buren and White Counties shall be paid an office expense allowance of one hundred dollars (\$100) a month, fifty dollars (\$50) of which shall be paid from the general fund of Van Buren County and fifty dollars (\$50) of which shall be paid from the general fund of White County, such amounts to be paid at the same time and in the same manner as is paid the salary of such judge.

As amended by:

Private Acts of 1975, Chapter 78

**SECTION 16.** Oliver J. Hill, a licensed attorney of White County, Tennessee, is hereby named as Judge of the General Sessions Court of White and Van Buren Counties and shall serve until September 1, 1972. His successor shall be elected by the qualified voters of White and Van Buren Counties at the general election in August, 1972, to serve September 1, 1974. The qualified voters of White and Van Buren Counties shall elect a judge of the court at the August 1974 general election, to assume office on September 1 following the election and to serve for a full term of eight (8) years. Thereafter, every eight (8) years a judge shall be elected. Any vacancy occurring in the office of judge of the general sessions court of White and Van Buren Counties, resulting from the resignation, incapacity or death of the judge, shall be filled by appointment by the governor of some person learned in the law and constitutionally qualified to discharge the duties of the office until the next biennial general election for county officials, at which time a successor shall be elected to fill out the remainder of the unexpired term.

**SECTION 17.** The Judge of the said General Sessions Court is given the authority to interchange with the Circuit Judge and Chancellor, and they with him. If the Judge of the said court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of the Court shall preside at such election and shall keep in his office a permanent record of the election of such Special Judges. Such Special Judges shall not be entitled to compensation for their services.

**SECTION 18.** The Clerk of the Circuit Court of White County shall act as the Clerk of the Court of General Sessions of White County and Clerk of the Circuit Court of Van Buren shall act as the Clerk of the Court of General Sessions of Van Buren, during such times as the Greater Court of General Sessions is sitting in

their respective counties.

All fees, commissions and emoluments of the Greater Court of General Sessions collected by the Clerk of the Court shall be paid into the general funds of the counties on the basis of which county the particular related matter arose from.

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

**SECTION 19.** The Sheriff of White County, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve the Court when sitting in White County and the Sheriff of Van Buren County shall do likewise when the Court is sitting in Van Buren. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned; however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of Deputy Sheriffs of those counties.

**SECTION 20.** The Judge of the Greater Court of General Sessions of Van Buren and White Counties may grant fiats authorizing the issuance of injunctions and attachments and all other extraordinary processes in all cases conferred on Judges of other Courts and Chancellors in the State of Tennessee.

**SECTION 21.** At the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace, or former Justices of the Peace of White County shall be delivered to the Greater Court of General Sessions, as the successor of the Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the Greater Court of General Sessions.

**SECTION 22.** The Greater Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of White County as if such cases had originated in the Court of General Sessions.

**SECTION 23.** This Act shall in no wise impair the right, title or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 24.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 7, 1972.

## Secretarial Assistance

### Public Acts of 1967 Chapter 134

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in [Tennessee Code Annotated](#).

**SECTION 1.** That the Circuit Judge and the Criminal Court Judge of the Fifth Judicial Circuit of the State of Tennessee shall each be and are hereby authorized and empowered to appoint a secretary to perform such secretarial duties as may be assigned by such judge and who shall serve at the will of such judge. Each such secretary shall receive compensation to be fixed by each respective judge at a salary not to exceed Thirty-six Hundred Dollars (\$3,600.00) per year to be paid monthly out of the state treasury upon a warrant issued therefor and upon certificate of the Circuit Judge and the Criminal Judge that the duties of such secretaries have been faithfully performed; and upon certificates of said Judges fixing the salaries of said secretaries within the limits prescribed herein. Said certificates to be made to the Executive Secretary of the Supreme Court or to the Director of Accounts.

**SECTION 2.** That each of the secretaries appointed under this Act will, before assuming his or her duties as such, take an oath to discharge the duties required by the Circuit Judge and the Judge of the Criminal Court of said Circuit, honestly and faithfully. Such secretary shall prepare judgments, decrees and orders, take charges, and do any and all stenographic, and secretarial work assigned by the judges of said Circuit.

**SECTION 3.** That Chapter 156 of the Public Acts of 1939 as amended by Chapter 180 of the Public Acts of 1959 and as amended by Chapter 242 of the Public Acts of 1963 is hereby repealed.

**SECTION 4.** That this Act shall take effect from and after July 1, 1967, the public welfare requiring it.

Passed: April 25, 1967.

## Court System - Historical Notes

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

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

1. Acts of 1806 (Ex. Sess.), Chapter 11, provided that any householder or any person holding land by bond or entry, was competent to serve as a juror, in the same manner as if they were freeholders.
2. Acts of 1817, Chapter 128, declared it to be lawful for Justices of the Peace in Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, White, Montgomery, Warren, Robertson, and Dickson Counties to levy a tax at their first session in each year for paying an additional compensation to jurors but the added pay shall not exceed fifty cents per day.
3. Private Acts of 1947, Chapter 493, created a three member Board of Jury Commissioners for White County, who would be discreet, freeholders, not lawyers, state or county officials, had no suit pending or any interest in one, and who would be appointed by the Judge of the Circuit or Criminal Courts. No more than two could belong to the same political party. Vacancies were to be filled in the same way. They would be sworn and pick one of their number as Chairman, the Clerk of the Circuit Court serving as their Clerk. The board would pick 500 names, or more if ordered, from the tax rolls, or other sources of public information, verifying the entire list when completed, and writing the names on separate slips of paper, which list shall be the Jury List until it becomes necessary to select another group. The slips would be deposited in a box, which would be locked, sealed, and kept in custody of the Clerk, which seal shall only be broken on the order of the Judge, and in the presence of at least two Commissioners. From 25 to 30 days prior to the opening of Court, a child under ten years of age, or a blindfolded person shall draw from the box the number of names ordered by the Judge which shall be the Jury List for that term, or for the time specified. The Judge shall not be confined to that list in the selection of a Grand Jury and the Judge of the Criminal Court could select special Juries, or panels, when needed. The Sheriff summoned the jurors who could be excused only by the Judge. After serving, the names of those doing so would be kept in a special envelope for three years and then returned to the box. The Commissioners were to be paid \$3 per day for each day actually spent in the performance of their duties hereunder.
4. Private Acts of 1949, Chapter 92, stated that, after the effective date, all jurors serving as such in White County in a court of record shall be paid at the rate of \$4 per day for each day's attendance at the Courts which shall include all petit and Grand Jurors in all the courts. This Act will have been superseded by current state law which pays jurors more than this amount.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in White 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. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Chapter 36, which created White County, provided that all courts would be held at the house of Joseph Terry until further ordered but this would not apply to the Chancery Court under the system in effect at that time.
2. Acts of 1822, Chapter 13, provided that the Justice of the Supreme Court would hold the Equity Courts at least once each year 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, and at Columbia, on the second Monday in January. All Courts would continue for two weeks unless the docket was completed earlier.
3. Acts of 1824, Chapter 14, stated that the Supreme Court of Errors and Appeals would meet only at Knoxville, Sparta, and Nashville, and all process issuing from it would be made to conform to those dates and places. This Act further provided that the Justices of the Court shall make arrangements among themselves to hold the Chancery Courts at least twice each year at



Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, and Charlotte. The court at McMinnville would be for the counties of White, Warren, Franklin, Marion, and Bledsoe and would meet on the second Monday in June and December.

4. Acts of 1826, Chapter 150, changed among other things, the terms of the Chancery Court at McMinnville to the first Monday in June and December.
5. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The first consisted of the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, which would be the Eastern Division, and the second, or Western, Division was made up of the Courts meeting at Franklin, Columbia, Charlotte, Jackson, and Paris, which reflected the increasing importance of equity jurisprudence to the people and their needs.
6. Acts of 1827, Chapter 88, provided that the Chancellor of the Eastern Division, they having been chosen by the Legislature to hold equity courts instead of the Supreme Court Justices, would hold the Court at McMinnville on the third Monday in June and December for the counties of Franklin, White, Warren, Marion, and Bledsoe.
7. Acts of 1827, Chapter 121, changed the court terms for the Chancery Court at McMinnville which would hereafter begin the terms on the fourth Monday in December and from then on on the second Monday in June and December of each year.
8. Acts of 1832, Chapter 19, established a schedule for the terms of every Chancery Court in the State. The Court at McMinnville, to which White County belonged, would meet on the fourth Monday in June and December.
9. Acts of 1835-36, Chapter 4, divided the State into three major Chancery Divisions over which one Chancellor, elected by the General Assembly for an eight year term and who must be a resident of the Division, would preside. The Divisions were further broken down into Districts. White and Warren Counties made up the Second District of the Middle Division whose court would convene at McMinnville on the second Monday in January and July, but suits originating in White County could also be properly filed in Livingston at the election of the complainant.
10. Acts of 1837-38, Chapter 116, reset the terms of the Chancery Court at Livingston for the first Monday in March and September and the Court at McMinnville would commence its term on the fourth Monday in January and July.
11. Acts of 1839-40, Chapter 21, rearranged the terms of some of the Chancery Courts in the Fourth Division, newly created, but neither the court at Livingston nor the one at McMinnville was affected, both retaining the same starting dates.
12. Acts of 1841-42, Chapter 43, established a Chancery Court at Sparta in White County which would be held on the second Monday in May and November by the Chancellor of the Fourth Division who would have full and complete jurisdiction. The citizens of DeKalb and Van Buren Counties could file their suits here, if they so desired. The Chancellor would be obliged to appoint a Clerk and Master for the Court at Sparta.
13. Acts of 1845-46, Chapter 82, changed the terms of the Chancery Court at Sparta to begin on the Wednesday after the second Monday in March and September.
14. Acts of 1853-54, Chapter 54, created a new Fifth Chancery Division which would be made up of the Courts at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta, and Livingston. A Chancellor for the new District, who must be a resident thereof, would be elected immediately.
15. Acts of 1853, Chapter 120, provided that the Chancery Court at Sparta in White County shall hereafter commence on the first Thursday after the second Monday in March and September.
16. Acts of 1855-56, Chapter 112, changed the terms of the Chancery Courts of the Fifth Chancery Division. The Chancery Court at Sparta would take up the docket on the fourth Monday of March and September.
17. Acts of 1857-58, Chapter 88, reorganized the Chancery Courts of Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. White County was assigned to the Fifth Division which also contained the counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, Overton, Fentress, Scott, Morgan, Roane, Meigs, Rhea, Blount, and Monroe. White County's Chancery Court would meet at Sparta on the fourth Monday in March and September.
18. Acts of 1859-60, Chapter 14, added White County to the third Chancery Division changing the court terms to begin on the second Monday in April and October under the Chancellor of the Third Division.

19. Acts of 1859-60, Chapter 116, rearranged the dates of the Chancery Courts terms in DeKalb and White Counties. White County's Chancery Court would start on the Thursday after the third Monday in March and September.
20. Acts of 1866-67, Chapter 4, reset the terms of the Chancery Court at Smithville in DeKalb County and at Sparta, in White County, where the Courts would begin on the third Monday in March and September. All conflicts were repealed.
21. Acts of 1866-67, Chapter 33, created the 12th Chancery Division which contained the counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren. The Governor would appoint a Chancellor for the new division to serve until one could be elected by the people. Court terms at Sparta remained as they were.
22. Acts of 1870, Chapter 32, reorganized the entire lower equity court system of the State into 12 Chancery Divisions. The Fifth Division had in it the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay.
23. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Courts for every county in the State. White County would begin the terms of the Chancery Court at Sparta on the second Monday in May and November.
24. Acts of 1885 (Ex. Sess.), Chapter 20, was the next total reorganization of the lower Judicial System of Tennessee. Of the eleven Chancery Divisions, the Fifth was composed of the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, and Macon. Courts in Sparta would begin on the fourth Monday in March and September. This Act was involved in the litigation of Flynn vs. State, 203 Tennessee 341 SW 2d 249 (1958).
25. Acts of 1890, Chapter 19, changed the opening dates for the terms of the Chancery Courts for Cumberland, Fentress, Pickett, and White Counties. White would commence the terms on the second Monday in June and December.
26. Acts of 1891, (Ex. Sess.), Chapter 11, rescheduled all the Chancery Court terms in the Fifth Chancery Division which contained the counties of DeKalb, Putnam, Jackson, Macon, Clay, Overton, Pickett, Fentress, Cumberland, Smith, and White which would start on the third Monday in April and October.
27. Acts of 1895, Chapter 15, reset some of the Chancery Court terms in the Fifth Chancery Division. White County would start the terms on the Chancery Court on the first Monday after the fourth Monday in April and October.
28. Acts of 1897, Chapter 294, changed the Chancery Court terms for some of the counties in the Fifth Chancery Division. White County would begin terms on the first Tuesday after the first Monday in June and on the first Monday after the fourth Monday in October.
29. Acts of 1899, Chapter 427, reorganized the entire lower court systems of the State. There were ten Chancery Divisions of which the Fourth was made up of the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. The courts would begin in Sparta on the first Tuesday after the fourth Monday in October.
30. Acts of 1903, Chapter 97, reset the terms of the Chancery Courts in the Fourth Chancery Divisions naming all the counties contained in it but the schedule in White County remained as it is stated in the preceding Act.
31. Acts of 1905, Chapter 120, rescheduled court terms for the Chancery Courts of the Fourth Division, again naming all the counties, and again leaving White County as stated in Item 29, above.
32. Private Acts of 1911, Chapter 507, rearranged the terms of the Courts in the Fourth Chancery Division. White County would begin the terms of the Chancery Court on the first Monday in June, and the first Monday after the fourth Monday in October.

### **Circuit Court**

The following acts were once applicable to the circuit court of White County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Chapter 36, provided that all the courts in newly formed White County would be held at the home of Joseph Terry, near Rock Island until further ordered which courts would have the same jurisdiction and be under the same rules and regulations as other courts in the State of like nature.

2. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. The Third Circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Courts were to meet at least twice each year. White's terms coming on the first Monday in March and September. Provisions were incorporated for the selection of a substitute Judge and for cases to be continued if no one at all showed up to hold court.
3. Acts of 1812, Chapter 68, reset the terms of the Circuit Courts for several of the counties in the 3rd Judicial Circuit including White County which went to the first Monday in February and August.
4. Acts of 1817, Chapter 138, provided that the Circuit Courts of the counties in West Tennessee, in the 3rd, 4th, 5th, and 6th Judicial Circuits would meet at the times specified in this Act. In White county the Circuit Court would begin its terms on the first Monday in March and September.
5. Acts of 1819, Chapter 160, scheduled Court terms for all the counties in the Third Judicial Circuit which were Jackson, Overton, Warren, Smith, and White which would open on the first Monday in March and September at Sparta and remain in session for two weeks unless the docket was cleared earlier.
6. Acts of 1821, Chapter 172, rearranged the schedule for Circuit Court terms in Franklin, Warren, Overton, Jackson, and White Counties, which would start on the fourth Monday in February and August for two weeks or, until docket was completed, whichever came first.
7. Acts of 1826. Chapter 150, provided that hereafter the Circuit Court for White County would be held at Sparta on the third Monday in February and August.
8. Acts of 1832, Chapter 20, changed Court terms for several of the counties in the Third Judicial Circuit assigning White County to the third Monday in May and November.
9. Acts of 1835-36, Chapter 5, was the organization of the Circuit Courts of the State subsequent to the adoption of the new Constitution. The Circuit Courts, as they were established, would meet three times per year instead of twice. The State was split up into eleven Judicial Circuits. Smith, Overton, White, Jackson, Fentress, and Warren Counties made up the Fourth Circuit. White County would begin the terms at Sparta on the first Monday of February, June, and October.
10. Acts of 1845-46, Chapter 82, rearranged the Circuit Court terms for the counties in the Fourth Judicial Circuit which now contained the counties of DeKalb, Fentress, Overton, Jackson, Macon, Smith, and White which would convene its Circuit Courts on the second Monday in February, June, and October.
11. Acts of 1851-52, Chapter 230, reset the Circuit Court terms in Fentress, Overton, and White Counties which went to first Monday in February, June, and October.
12. Acts of 1853-54, Chapter 111, reset the Circuit Court terms in White County to open on the last Monday in January, May, and September.
13. Acts of 1857-58, Chapter 95, created the 16th Judicial Circuit placing in it the counties of White, Morgan, Bledsoe, Scott, Cumberland, Marion, Sequatchie, Fentress, and Overton. A Judge for the Circuit would be elected at the earliest possible time and an Attorney-General would be appointed. Court would open at Sparta in White County on the fourth Monday in January, May, and September.
14. Acts of 1857-58, Chapter 98, organized the State into 16 Judicial Circuits. The Fifth Circuit was composed of the counties of Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress, and Overton. Court terms would start at Sparta on the second Monday in January, May, and September.
15. Acts of 1870, Chapter 31, delineated Tennessee into Fifteen regular, and one special, Circuits. The Fifth Judicial Circuit contained the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay.
16. Acts of 1870, Chapter 46, set the times for the terms of the Circuit Courts in every county in this State. White County would begin the terms of the Circuit Courts on the third Monday of February, June, and October.
17. Acts of 1872, Chapter 15, reset the time to begin the terms of the Circuit Courts in White County to the fourth Monday in February, June, and October.
18. Acts of 1877, Chapter 141, removed White County from the Fifth Judicial Circuit and placed it in the 6th Judicial Circuit with the terms of Court set to begin on the fourth Monday of January, May, and September. The Court would be presided over by the Judge of the Sixth Judicial Circuit and the Attorney-General of the Sixth Judicial Circuit shall prosecute for the State.
19. Acts of 1881, Chapter 92, rescheduled the Circuit Court terms of all the counties in the 5th

- Judicial Circuit which listed White County to begin on the first Tuesday after the fourth Monday in February, June, and October, instead of as it was now scheduled by law. (No Act was located which moved White County back into the 5th Judicial Circuit.)
20. Acts of 1885 (Ex. Sess.), Chapter 20, restructured the whole lower Judicial System of the State into fourteen regular, and one special, Judicial Circuits. The Sixth Circuit comprised the counties of Van Buren, Grundy, Franklin, Coffee, Warren, Moore, Lincoln, DeKalb, and White. Terms would begin in White County on the first Tuesday after the fourth Monday in February, June, and October.
  21. Acts of 1887, Chapter 8, reset the terms of the Circuit Courts in all the counties of the Sixth Judicial Circuit. White County would open its terms on the first Monday in March, July, and November.
  22. Acts of 1889, Chapter 10, switched the line up of the Circuit Courts in some counties moving White County to the fourth Monday in January, May, and September to which all outstanding process will be made to conform.
  23. Acts of 1891 (Ex. Sess.), Chapter 3, moved Cumberland County from the 5th Judicial Circuit to the Third Judicial Circuit, and provided that the Judge of the Fifth Circuit would hold the courts of Putnam, Cumberland, Smith, Trousdale, and White Counties. The terms of the Circuit Court in White County would begin on the third Monday in January, May, and September.
  24. Acts of 1897, Chapter 294, changed the terms of some of the Circuit Courts in the 5th Judicial Circuit but left White County as it was then scheduled by law.
  25. Acts of 1899, Chapter 427, was a complete reorganization of the entire lower court system of the State, forming the Circuit Courts into fourteen Judicial Circuits. The 5th Judicial Circuit had in it the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon. Court would begin in White County on the third Monday in January, May and September.
  26. Acts of 1901, Chapter 324, reset some of the terms of the Circuit Courts in the 5th Judicial Circuit but did not change White County's terms leaving them on the third Monday of January, May, and September.
  27. Acts of 1903, Chapter 457, fixed the time for starting the Circuit Courts in Putnam, and White Counties. White would begin the Circuit Court terms on the first Tuesday after the first Monday in January, May, and September.
  28. Acts of 1907, Chapter 85, amended Private Acts 1899, Chapter 427, and created the Criminal Court of the Fifth Judicial Circuit and set the schedule for the terms of this court.
  29. Acts of 1907, Chapter 122, established a new schedule for the terms of the Circuit Courts in the 5th Judicial Circuit. White County's Circuit Court would convene on the first Tuesday after the third Monday in January, May, and September.
  30. Private Acts of 1919, Chapter 97, detached White County from the Fifth Judicial Circuit, and from the Criminal Court of the said Fifth Judicial Circuit and attached it to the Seventh Judicial Circuit. The Judge of the Seventh Circuit has all the civil and criminal jurisdiction in White County he has had in all the other counties of the Seventh Judicial Circuit. This Act was repealed by Private Acts of 1919, Chapter 193.
  31. Private Acts of 1919, Chapter 193, set the time for holding the Circuit and Criminal Courts of White County to be on the first Tuesday after the third Monday in March, July, and November. All process and bonds will be made to conform to these dates.
  32. Private Acts of 1921, Chapter 332, repealed Private Acts of 1919, Chapter 97, in its entirety, detaches White County from the 7th Judicial Circuit and reattaches it to the 5th Judicial Circuit for both civil and criminal jurisdiction to try cases in White County. Courts would begin on the first Tuesday after the third Monday in March, July, and November.
  33. Private Acts of 1923, Chapter 191, amended Private Acts of 1921, Chapter 332, Section 4, by adding a new Section which set the time for the Circuit and Criminal Court of White County to be on the second Monday in January, May, and September of each year. The criminal docket will stand on the first Monday and the Circuit docket will stand on the second Monday of the term, each being set on the days most convenient and suitable to the Judge and Counsel.
  34. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last reorganization of the courts printed in the Private Acts volumes, although it was a Public Act. The Circuit Court system was made over into twenty Judicial Circuits. The Fifth Circuit was composed of the counties of Clay, Overton, Jackson, Putnam, Cumberland, Pickett, and White which would meet on the third Monday in

January, May, and September. The Criminal Division of the 5th Circuit had in it the counties of Putnam, Overton, Jackson, Macon, Trousdale, Smith, Wilson and White where the terms of court would begin on the second Monday in January, May, and September.

35. Public Acts of 1968, Chapter 433, amended Section 16-2-205(a) of the Tennessee Code Annotated by changing Court terms for one of the counties in the Fifth Judicial Circuit, which was White, whose terms would begin on the fourth Monday in February, June, and October where they still remain at this writing.

### **Clerk**

The following acts have no current effect, but once applied to the White County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1820, Chapter 2, was the authority for the Circuit Court Clerk of White County to build an office on some part of the Public Square at Sparta which the Quarterly Court could designate. The one who succeeded the Clerk in office may have the use and benefit of the building provided he pays the Clerk, or his family, the fair market value of the building at the time.
2. Acts of 1841-42, Chapter 20, made it the duty of the Treasurer and Comptroller of the State of Tennessee to refund to William G. Sims, the Clerk of the Circuit Court of White County, the sum of \$263.20, which amount was wrongfully paid to the State Treasurer, and the Clerk, when repaid this sum, shall deliver the same to the County Trustee of White County.
3. Acts of 1903, Chapter 255, was a general law of the State establishing salaries for the Clerks of the Circuit Courts only, according to the population class of the County in which they served. The Act required the Clerk to file sworn, itemized statements annually with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees did not equal the salary specified the county was ordered to pay the difference to the clerk, but, if the fees exceeded the salary, the clerk was allowed to retain the excess. The Clerk's salary in White County, according to the 1900 Federal Census figures would have been \$500 per year. This Act was among several of the older salary acts which finally culminated into our current laws on this subject.

### **Criminal Court**

The following act once pertained to the White County Criminal Court, but is no longer current law.

1. Private Acts of 1909, Chapter 547, amended the act creating the Criminal Division of the Fifth Judicial Circuit by changing the terms of Court in Trousdale County only, no other Counties being mentioned.

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

The following acts once affecting White 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 1817, Chapter 65, divided the State into ten Solicitorial Districts. The 5th District consisted of the counties of Bledsoe, Warren, White, Overton, and Jackson.
2. Acts of 1819, Chapter 4, placed the Counties of Macon, Bledsoe, Warren, White, Overton, and Jackson in the 11th Solicitorial District.
3. Acts of 1835-36, Chapter 28, enacted subsequent to the adoption of the new State Constitution, provided that in the future each Solicitorial District would coincide with the boundaries of each Judicial Circuit having criminal jurisdiction.
4. Acts of 1907, Chapter 381, provided that the Attorney-General of the Fifth Judicial Circuit could appoint a suitable person as an Assistant Attorney-General, who shall be learned in the law and not under 25 years of age, who would serve at the pleasure and direction of the Attorney-General, and be paid \$1,800 a year out of the Treasury of the State of Tennessee. This Act was repealed by the one below.
5. Private Acts of 1919, Chapter 166, repealed Acts of 1907, Chapter 381, which created the office of Assistant Attorney-General in the 5th Judicial Circuit for White County.
6. Public Acts of 1970, Chapter 537, and Public Acts of 1976, Chapter 563, created offices for additional Assistant District Attorneys General for the Fifth Judicial Circuit, which included White County until the trial courts were redistricted according to T.C.A.16-2-506 (September 1, 1984). Public Acts of 1978, Chapter 770, as amended by Public Acts of 1980, Chapter 592, created the position of Criminal investigator for the Fifth Judicial Circuit and defined the powers of such

investigator. These acts no longer apply to White County since T.eA. 16-2-506(13) places White County in the Thirteenth Judicial District, and provides positions for five (5) Assistant District Attorneys General and one (1) Criminal Investigator for that District.

### **General Sessions Court**

The following acts once affected the general sessions court of White County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1953, Chapter 35, created the General Sessions Court of White County for which the County would furnish supplies and equipment. Court was vested with all the jurisdiction belonging to Justices of the Peace who retained their status as members of the Quarterly Court and the authority to perform marriages. In addition, the Court was given the power to hear and grant divorces, and \$1,000 was the upper limit of the pecuniary jurisdiction. Details on the process of keeping both a civil and criminal docket are furnished, together with appellate procedures. The Judge must be licensed attorney, a resident of the County and sworn as are other Judges. C. C. Geer, of White County is appointed to serve until his successor can be elected by the people and take office for eight years on September 1, 1954. The Clerk of the Circuit Court shall serve as the clerk of this court and will be paid \$900 per year extra as compensation. The Judge was given specific power to issue fiats for injunctions and attachments. This Act was repealed by Public Acts of 1972, Chapter 505.
2. Private Acts of 1955, Chapter 192, amended Private Acts of 1953, Chapter 35, above, in Section 2 by granting Justices of the Peace authority to issue civil, criminal, and search warrants all of which would be returnable to the General Sessions Court; but it was reported that no action had been taken by the Quarterly Court on this Act.
3. Private Acts of 1961, Chapter 48, also amended Private Acts of 1953, Chapter 35, above, in the same way. This Act, however, was made subject to the approval of the people in a referendum to be held within ten days after the adjournment of the General Assembly. This Act was ratified by the Quarterly Court but no information is offered on the results of the required vote of the people. In any event both Acts are now repealed by virtue of Public Acts of 1972, Chapter 505.
4. Public Acts of 1975, Chapter 78, amended Public Acts of 1972, Chapter 505, Section 4, by adding the last paragraph on juvenile jurisdiction; Section 15 was amended by increasing the annual salary of the Judge of the General Sessions Court from \$9,200, which was shared by Van Buren County paying \$3,000 and White County paying \$6,200, to \$13,500 with Van Buren County contributing \$4,000 and White County paying \$9,500. Section 15 was further amended by adding the paragraph relative to the expense account.
5. Private Acts of 1979, Chapter 95, granted to the Court of General Sessions of White and Van Buren Counties probate jurisdiction when the Court was sitting as the General Sessions Court of VanBuren County which jurisdiction was formerly placed in the County Executive of that County.

### **Secretarial Assistance**

The following acts 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. Public Acts of 1959, Chapter 180, amended Public Acts of 1939, Chapter 156, which created the position of Secretary to the Judge of the Fifth Judicial Circuit by increasing the salary of the Secretary from \$720 to \$2,400 per year.
2. Public Acts of 1963, Chapter 242, also amended the 1939 Act by further raising the salary of the Secretary from \$2,400 to \$3,600 annually.
3. Public Acts of 1967, Chapter 134, repealed Public Acts of 1959, Chapter 180, and increased the Secretary's salary to \$3,600 per year. This act no longer applies to White County since T.CA. 16-2- 506(13)(A) includes White County in the Thirteenth rather than the Fifth Judicial Circuit.

### **General**

1. Acts of 1817, Chapter 118, provided that the Supreme Court of Errors and Appeals which had heretofore been held at Carthage in Smith County shall hereafter be held in the town of Sparta in White County. It shall be the duty and obligation of the Clerk of the Court to see that all the records and transcripts of cases properly before the Court are moved to Sparta within thirty days from the passage of this Act.
2. Acts of 1825, Chapter 148, released and forever discharged Adam Gardenhire and John Martindale from the payment of a judgment rendered against them in the Circuit Court of White

- County, as appearance bondsmen, on behalf of the State, in a case involving John Gardenhire.
3. Acts of 1827, Chapter 114, stated that the Court of Pleas and Quarter Sessions of White County, may, a majority of the Justices being present, at their discretion, release and discharge Zachariah Sullins and William Hitchcock from the payment of the forfeitures entered against them in the Circuit Court of White County in the sum of \$500.
  4. Acts of 1835-36, Chapter 3, stated that the Supreme Court of Errors and Appeals would hold at least one Session each year at Knoxville, Nashville, and Jackson. White County, along with 23 others, was assigned to the middle Division at Nashville.

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