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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 act once affected jurors or boards of jury commissioners in Weakley County, but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1951, Chapter 362, created a Board of Jury Commissioners for Weakley County, made up of three members who must be discreet, a householder and a freeholder of the County, not an attorney, County officer, Justice of the Peace, Constable, nor have any suit pending in the courts at the time. Vacancies would be filled by temporary appointment of the County Judge. The Commissioners would be appointed by the Chancellor, Circuit and Criminal Judge, and County Judge of the County for 3 year terms, and they would be sworn by the oath prescribed in the Act. The Circuit Court Clerk would serve as Clerk and he likewise would be sworn by the oath prescribed in the Act. The Commissioners would meet on the second Monday in April, and biennially thereafter, and select from the tax rolls and election sheets at least 500 names, and as many more as may be practical, from which all jury lists would be drawn for all the courts sitting in the County. Provisions were incorporated to produce special jury panels and to supply jurors for depleted venires. The names would be entered alphabetically in a book provided by the Circuit Court Clerk and the list would be certified by all three Commissioners. The number opposite the name of the juror in the book would be written on a card and the cards placed in a metal box which would be locked and sealed, and opened only in presence of Commissioners, or the Judges. Not less than 10 days prior to the opening of the Court, the box would be brought in and opened in the presence of the Board, and a child under ten years of age would draw out of the box the number of names required by law or order by the Judges. These names would likewise be recorded and the list certified to the Judge as the panels for that term of Court. No less than five days before Court the Clerk would send the names to the Sheriff who would summon the jurors to Court. Only the Judges could excuse a juror from service and then only for the reasons cited in the Act. This Act was repealed by Private Acts of 1975, Chapter 97.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Weakley 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 1822, Chapter 13, provided that the Chancery Court shall be held by one of the Judges of the Supreme Court of Errors and Appeals at the present places for holding the Supreme Court at least once each year. The Court of Equity 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, each session to last for two weeks unless the docket is completed sooner.
2. Acts of 1824, Chapter 14, stated that the Justices of the Supreme Court of Errors and Appeals would arrange among themselves to hold at least two sessions of the Chancery Court in each section per year. The Courts would be held at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and at Jackson, for all counties west of the Tennessee River, on the second Monday in April and October.
3. Acts of 1825, Chapter 32, charged the Justices of the Supreme Court by mutual arrangement to hold a Chancery Court at Paris in Henry County for the equity cases arising in Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer Counties which court would meet twice each year for two weeks on the third Monday in April and October. The Judges would appoint a Clerk and Master for this Court.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, the Eastern which contained the courts meeting at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western Division which had in it the courts at Franklin, Columbia, Charlotte, Jackson, and Paris. The Judges of the Supreme Court were divested of original chancery jurisdiction.
5. Acts of 1835-36, Chapter 4, reorganized the judicial system into three Chancery Divisions pursuant to the 1835 Constitution. Each Division was further separated into Districts. Each Division would have a Chancellor for the Courts, appointed by joint ballot of the General Assembly for an eight year term, who would be commissioned by the Governor and could interchange

- among themselves. The First District of the Western Division contained Weakley and Obion Counties and its Court would be held at Dresden on the fourth Monday of March and September. The Chancellor would appoint a Clerk and Master for his division to serve a six year term.
6. Acts of 1837-38, Chapter 14, abolished the Chancery Courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville, making it the duty of the Clerks and Masters of those Courts to transfer the records to the Clerk and Master at Huntington. A new Chancery District was formed in the Western Division which would hereafter be composed of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, and Madison. Court would meet in Huntington, in Carroll County, on the first Monday in February and August. The Chancellor of the Western Division would appoint a Clerk and Master for the new District who would have a Deputy at the county seat of each County in the District.
 7. Acts of 1837-38, Chapter 110, stated that hereafter the counties of Henry, Obion, and Weakley, would constitute a separate Chancery District whose Court would meet at Dresden on the third Monday in February and August of each year. The Clerk and Master at Paris would deliver the records in all cases to the Court at Dresden.
 8. Acts of 1839-40, Chapter 33, delineated Tennessee into four Chancery Divisions. The new fourth division would be in middle Tennessee and the Act did not appear to affect Weakley County.
 9. Acts of 1851-52, Chapter 167, changed the time for holding the Chancery Court at Dresden from the third Monday in February and August to the fourth Monday in May and November.
 10. Acts of 1851-52, Chapter 178, changed the terms of the Chancery Court at Dresden to the fourth Monday in May and November.
 11. Acts of 1855-56, Chapter 158, set up the opening dates of the terms of the Chancery Courts in the Western Division which was composed of the counties of Henry, Obion, Dyer, Gibson, Fayette, Tipton, Hardeman, Lauderdale, Madison, Haywood, and Weakley whose court terms would begin on the second Monday in January and July.
 12. Acts of 1857-58, Chapter 88, re-structured the entire lower court system of equity jurisprudence into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. The Western Division contained the counties of Henry, Obion, Dyer, Madison, Haywood, Hardeman, Fayette, Tipton, Lauderdale, Gibson, Shelby, and Weakley where the Chancery Court would still meet on the second Monday in January and July at Dresden.
 13. Acts of 1865-66, Chapter 20, set up a Ninth Chancery District which was made up of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, and Benton. The present Chancellor would continue to hold the court until one is appointed. Court would begin its terms at Dresden in Weakley County on the fourth Monday of January and July.
 14. Acts of 1866-67, Chapter 25, changed the court dates in the 9th Chancery Division, moving the Court at Dresden in Weakley County to the first Monday in March and September.
 15. Acts of 1870, Chapter 32, arranged the State of Tennessee into twelve Chancery Districts of which the Eleventh District contained the counties of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll, and Henry.
 16. Acts of 1870, Chapter 47, scheduled the terms of Court for every Chancery Court in every County of the State. Weakley County would convene the Chancery Court at Dresden on the fourth Monday in March and September.
 17. Acts of 1870-71, Chapter 88, reset the opening dates for the Chancery Courts for some of the counties in the 11th Chancery Division including Weakley County whose court would hereafter meet on the second Monday in January and July. The other counties changed were Henry, Carroll, Obion, Lake, Dyer, and Gibson.
 18. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete reorganization of the lower Court system in Tennessee. The State was divided into 11 Chancery Divisions and the Tenth Division had in it the counties of Fayette, Tipton, Haywood, Lauderdale, Dyer, Obion, Weakley, and Gibson. The Chancery Court in Weakley would start its terms on the second Monday in January and July. This Act was part of the litigation in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958).
 19. Acts of 1889, Chapter 23, rescheduled the terms of Court for the Counties in the 10th Chancery Division, naming the counties of Obion, Fayette, Gibson, Haywood, Tipton, Lauderdale, Dyer, and Weakley where the Court at Dresden would continue to meet on the second Monday in January and July. This Act was repealed by Acts of 1895, Chapter 99.
 20. Acts of 1895, Chapter 99, reset the opening dates for the terms of the Chancery Courts in the 10th Chancery Division which was composed of the counties of Haywood, Tipton, Obion, Fayette,

Gibson, Dyer, Lauderdale, and Weakley. Weakley County's Chancery Court would start at Dresden on the third Monday in January and the second Monday in July.

21. Acts of 1899, Chapter 427, was a major revision of the lower judicial system of the State, organizing the equity courts into ten Chancery Divisions. The Counties of Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton, and Hardeman were all assigned to the 9th Chancery Division. Weakley County Chancery Court would meet on the second Monday in February and August. This Act, as to the 9th Chancery Division, was repealed by Acts of 1903, Chapter 591.
22. Acts of 1903, Chapter 591, rearranged the opening dates for the counties in the 9th Chancery Division, naming the counties of Dyer, Gibson, Obion, Lake, Haywood, Fayette, Lauderdale, Tipton, and Weakley where the Chancery Courts would begin its terms on the third Monday in January and July.
23. Private Acts of 1911, Chapter 147, amended Acts of 1903, Chapter 591, so as to cause the Chancery Court at Dresden in Weakley County to meet on the fourth Monday in January instead of the third Monday.
24. Private Acts of 1931, Chapter 181, provided that hereafter the Chancery Court of Weakley County in the 9th Chancery Division would begin its terms of court on the first Monday in May and November.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Weakley County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 337, set the annual salary of the Clerk and Master of the Chancery Court in Weakley County at \$1,200, provided the Clerk and Master filed a sworn, itemized statement by the fourth Monday in January with the County Judge, or Chairman, showing all the fees collected in that office. If the fees were less than the salary above, the County was required to pay the difference, but, if the fees collected exceeded the salary, the Clerk and Master was allowed to retain the fees.
2. Private Acts of 1919, Chapter 274, made it lawful for females over the age of 21 and residents of the County appointing them to serve as Deputies in the office of the Clerk and Master of Weakley County, being given all the rights and responsibilities as others serving in that capacity. This Act was repealed by Private Acts of 1975, Chapter 97.
3. Private Acts of 1931, Chapter 736, made it lawful in Weakley County for the Chancellor to make an allowance to the Clerk and Master, not to exceed 7% of the amount collected, for the services of the Clerk and Master in receiving, collecting and paying over delinquent taxes where bills to collect the same have been filed in Chancery Court.

Circuit Court

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

1. Acts of 1823, Chapter 11, provided for a 9th Judicial Circuit in Tennessee which would be composed of the counties of Perry, Henderson, Carroll, and Henry, and all other counties west of Carroll and Henry that are to be organized. A circuit judge would be elected by the General Assembly.
2. Acts of 1823, Chapter 41, fixed the schedule of court terms for the courts in the 8th and 9th Judicial Circuits. The Circuit Court for Weakley County would open on the first Monday in May and November.
3. Acts of 1823, Chapter 112, which created Weakley County, also provided that the Circuit Court of the County would meet at the house of John Tyrrell until the same were adjourned to a better and more convenient place, and would operate under the same rules and regulations as other Circuit Courts.
4. Acts of 1824, Chapter 53, stated that the Circuit Courts of Weakley, Obion, Dyer, and McNairy County were authorized to adjourn their courts to such place in the county as may suit their convenience, if a majority of the Justices agreed to the move.
5. Acts of 1824, Chapter 102, regulated the terms of the Circuit Courts in the 8th and 9th Judicial Circuits. The terms of the Circuit Court in Weakley County would begin on the fourth Monday in May and November.

6. Acts of 1825, Chapter 318, rescheduled the court terms of the Circuit Courts in the 8th and 9th Judicial Circuits. The 9th Judicial Circuit contained the counties of Perry, Henderson, Carroll, Henry, Obion, Dyer, Gibson, and Weakley where the Circuit Court would start its terms on the first Monday in April and October.
7. Acts of 1826, Chapter 43, reset the opening dates for terms of the Circuit Court in several counties in the Western District including Weakley County whose Circuit Court would begin its terms on the third Monday in May and November.
8. Acts of 1835-36, Chapter 5, reorganized the entire system of Circuit Courts in the State pursuant to the 1835 Constitution, newly formed and adopted. Eleven Judicial Circuits were formed in which the Courts would hold three terms annually instead of two. Weakley County, whose courts would meet on the second Monday in February, June, and October, was assigned to the 9th Judicial Circuit which also had in it the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, and Benton.
9. Acts of 1837-38, Chapter 116, changed the Circuit Court terms for the counties in the Ninth Judicial Circuit switching Weakley County to the first Monday in February, June, and October instead of the second Monday.
10. Acts of 1857-58, Chapter 21, rearranged the schedule of opening dates for the terms of the Circuit Court in several counties listed in the Act among which was Weakley County whose Courts would open hereafter on the third Monday in February, June, and October, provided, however, that the next term of the Court in Weakley County after the passage of this Act would be in accord with the old schedule, and then changed. This Act was repealed by Acts of 1857-58, Chapter 93.
11. Acts of 1857-58, Chapter 93, changed the terms of the Court in Weakley County to begin at Dresden on the second Monday in February, June, and October.
12. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 13th Judicial Circuit was made up of the counties of Benton, Henry, Humphreys, Carroll, and Weakley where the Circuit Court would continue to meet on the second Monday in February, June, and October.
13. Acts of 1865-66, Chapter 10, scheduled the terms for the Circuit Courts in the 13th Judicial Circuit which was composed of the Counties of Carroll, Benton, Henry, Humphreys, and Weakley. Court terms in Weakley remained on the second Monday in February, June, and October.
14. Acts of 1867-68, Chapter 1, transferred Weakley County from the 13th Judicial Circuit to the 16th Judicial Circuit, but Court would continue to meet as provided by law.
15. Acts of 1867-68, Chapter 38, reset the terms of the Circuit Courts in the 16th Judicial Circuit but left Weakley County's Circuit Court to begin on the second Monday in February, June, and October.
16. Acts of 1870, Chapter 31, was enacted subsequent to the 1870 State Constitution and completely revised the Circuit Courts of the State into fifteen regular and one special, Judicial Circuits. The 12th Judicial Circuit included the counties of Benton, Henry, Weakley, Carroll, Etheridge, Obion, Lake, and the Special Court at Union City, in Obion County.
17. Acts of 1870, Chapter 46, set up the schedule of court terms for every Circuit Court in every county in the State of Tennessee. Weakley County's Circuit Court terms would begin in Dresden on the second Monday in February, June, and October.
18. Acts of 1883, Chapter 98, changed the times for holding the Circuit Courts at Troy in Obion County and at Dresden in Weakley County. The Courts at Dresden would convene on the second Monday in February, and the third Monday in June and October.
19. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revision of the entire lower court system in the State. Fourteen regular, and one special, Judicial Circuits were formed. The 12th Judicial Circuit contained the counties of Obion, Weakley, Henry, Carroll, Gibson, Crockett, Haywood, and Benton. Court terms would start in Dresden in Weakley County on the second Monday in February, and the third Monday in June and October.
20. Acts of 1887, Chapter 94, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the terms of the Circuit Courts in the counties of the 12th Judicial Circuit. The Circuit Court terms in Weakley County would commence on the first Monday in February, June, and October.
21. Acts of 1889, Chapter 15, rearranged the terms of the Circuit Courts in some of the counties of the 12th Judicial Circuit, naming Obion, Carroll, Henry, Gibson, Crockett, Haywood, and Weakley Counties, where, the terms of the Circuit Court would begin on the first Monday in February, June, and October.
22. Acts of 1891, Chapter 153, added Lake County to the 12th Judicial Circuit and directed the Judge

of the 12th Judicial Circuit to hold the Chancery Court of Lake County. Section 3 scheduled the terms of Court for the counties in this revamped Circuit. The Circuit Court at Dresden in Weakley County would meet on the third Monday in February, June, and October.

23. Acts of 1899, Chapter 427, was a complete reorganization of the lower judicial system in Tennessee. The State was divided into 14 Judicial Circuits assigning to the 14th Circuit the Counties of Obion, Lake, Dyer, Lauderdale, Tipton, Fayette, and Weakley. The Circuit Court terms in Weakley County would open on the first Monday in April, August, and December.
24. Acts of 1905, Chapter 304, set up the terms of the Circuit Courts in the 14th Judicial Circuit which now had in it the counties of Obion, Lake, Dyer, Benton, and Weakley. Courts would take up the docket at Dresden in Weakley County on the first Monday in April, August, and December.
25. Acts of 1907, Chapter 485, changed the court terms for some of the Circuit Courts in the 14th Judicial Circuit but Weakley County would continue to meet on the first Monday in April, August, and December.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Weakley 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 1903, Chapter 255, fixed the annual salary of the Circuit Court Clerks throughout the State based on the Federal Census of 1900. The Circuit Court Clerk of Weakley County would have been paid \$1,000 a year under this law. The Clerk was required to file a sworn, itemized statement annually with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees were less than the salary, the County must pay the difference but, if the fees exceeded the salary, the Clerk could retain the excess as his own.
2. Private Acts of 1915, Chapter 217, stated that the Circuit Court Clerk in Weakley County shall be paid a salary of \$1,200 per year, provided the Clerk file not later than January 10, of each year, a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees collected failed to equal the salary, the County must make up the difference, but, if the fees exceeded the salary, the Clerk would keep the excess as his own.
3. Private Acts of 1917, Chapter 810, was a virtual duplicate of Private Acts of 1915, Chapter 217, fixing the annual salary of the Circuit Court Clerk at \$1,200.
4. Private Acts of 1919, Chapter 274, declared that all females in Weakley County over the age of 21 and a resident of the County were eligible to serve as Deputy in the office of the Circuit Court Clerk with all the authorities and responsibilities as other Deputy Clerks. This Act was repealed as it applied to Weakley County by Private Acts of 1975, Chapter 97.
5. Private Acts of 1923, Chapter 661, set the salary of the Circuit Court Clerk at \$1,200 per year provided he files a sworn, itemized statement of the fees collected by January 10 of each year. If the fees are less than the salary, the County pays the difference; if the fees exceed the salary the Clerk may keep the excess.
6. Private Acts of 1927, Chapter 747, raised the annual salary of the Circuit Court Clerk of Weakley County from \$1,200 to \$1,500, of which one-third would be paid on or before 10th day of May, one-third on or before the 10th day of September, and one-third on or before the 10th day of January. A sworn, itemized statement must be filed with County Judge, or Chairman, showing the fees collected in the office. If the fees are less, the County pays the difference, but if the fees are more the excess shall go to the County instead of to the Clerk.
7. Private Acts of 1931, Chapter 111, raised the annual salary of the Circuit Court Clerk from \$1,500 to \$2,000, payable \$500 on or before the 10th day of January, April, July, and October. A sworn, itemized statement of fees collected must be filed each quarter. If fees are less, the County will pay the difference. This Act was repealed by Private Acts of 1975, Chapter 97.

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1823, Chapter 11, set up the 16th Solicitorial District in the State which contained the counties of Obion, Gibson, Weakley, and Dyer, who would elect a Solicitor.
2. Acts of 1835-36, Chapter 28, provided that each Solicitorial District would hereafter coincide with and have the same boundaries as each Judicial Circuit. An Attorney General would be selected for each district by a joint vote of the General Assembly. The Attorney General was also required to

- give opinions on questions of law relating to the duties of County officials without charge.
3. Public Acts of 1967, Chapter 254, created an office or position of Criminal Investigator for the Fourteenth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
 4. Public Acts of 1971, Chapter 138, created the office of Assistant District Attorney for the Fourteenth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
 5. Public Acts of 1978, Chapter 848, created the office of District Attorney General for the Thirty-First Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.

General Sessions Court

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

1. Private Acts of 1955, Chapter 357, created a Court of General Sessions for Weakley County and directed the Sheriff to provide adequate space and facilities for the Court at the Courthouse in Dresden. The County Judge was obligated to provide furnishings and equipment for the Court. Jurisdiction was divested out of the Justices of the Peace and conferred upon this Court in all respects except the Justices of the Peace could continue to issue search warrants and criminal warrants which would all be returnable to the General Sessions Court. Court would be in session daily except on Sundays and holidays, operating under the same procedural rules as did Justices of the Peace. Criminal jurisdiction in misdemeanor cases was established in this Court. All costs, fees, and mileage payments would remain as they were prior to the enactment of this Act. Separate dockets would be kept for the civil and criminal division of the Court. The first Judge of this Court would be appointed by the Governor and approved by the County Court. This Judge would serve until the next one was elected on the first Thursday in August, 1956, for two years, and then in August, 1958, for eight years. The salary was \$6,000 annually and the Judge must devote full time to the office. The Circuit Court Clerk would serve as the Clerk of the Court and be paid \$1,200 a year extra for his services. This Act was rejected by the Quarterly Court of Weakley County and thus never became law under the Home Rule Amendment to the Constitution of Tennessee.
2. Private Acts of 1961, Chapter 243, gave the Judge of the General Sessions Court, and the Court, concurrent jurisdiction with the Chancery and Circuit Courts in suits for divorce and annulment, alimony, custody of children, as fully as when the same powers and jurisdiction were exercised by those Courts. This Act was rejected by the Quarterly Court of Weakley County and never became effective.
3. Private Acts of 1965, Chapter 144, gave the General Sessions Judge of Weakley County the same power to grant fiats and to issue writs of attachment, injunction, certiorari and supersedeas, and all other writs of extraordinary process which Chancellors and Circuit Judges may issue. The Court was further given concurrent jurisdiction with the Chancery Court in actions to allow guardians to encroach upon the corpus of estates. The Court was also enabled to determine questions of title in partition suits, homestead and dower, and insolvent estates, and to ratify the sales of property for infants and incompetents. The Court would also have concurrent jurisdiction to issue writs of habeas corpus, to hear divorce cases, and to serve as Juvenile Court and Probate Court for the County. The Judge would be paid \$2,500 a year extra for his services. This Act was rejected by the Quarterly Court and thus rendered null and void.
4. Private Acts of 1990, Chapter 170, amended the Private Acts of 1955, Chapter 357, and all other acts amendatory thereto, relative to the compensation of the general sessions judge of Weakley County. This act never received local approval.

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