



November 19, 2024

Chapter V - Court System

Dear Reader:

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

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Chapter V - Court System 3
Chancery Court 3
Law and Equity Court 3
Public Acts of 1972 Chapter 863 3
Private Acts of 1955 Chapter 169 4
General Sessions Court 4
Probate Jurisdiction 4
Private Acts of 1994 Chapter 123 5
Court System - Historical Notes 5

Chapter V - Court System

Chancery Court

Law and Equity Court

Public Acts of 1972 Chapter 863

COMPILER'S NOTE: Some provisions of this act may have been superseded by Title 16, Chapter 11 of Tennessee Code Annotated.

SECTION 1. There is hereby created the Law and Equity Court for Dyer County, Tennessee, the jurisdiction of which shall be co-extensive with Dyer County.

SECTION 2. The Law and Equity Court for Dyer County shall have concurrent jurisdiction with the Chancery Court of Dyer County and the Circuit Court of Dyer County, and said Court and the Judge thereof shall be vested with all the common law and statutory powers of the Chancery Courts, and the Circuit and Law Courts, and the judges thereof.

SECTION 3. Any and all suits, causes of action, and proceedings within the jurisdiction of the Chancery Courts and/or the Circuit and Law Courts of Dyer County may be instituted in, heard by, and determined by the Law and Equity Court in the same manner and according to the same rules of procedure as in the Chancery Courts, Circuit and Law Courts. All laws now in force or hereafter enacted applicable to the Chancery Courts or Circuit or Law Courts of Dyer County shall be likewise applicable to the Law and Equity Court. All cases pending in the Common Law and Chancery Court, at this time this Court is instituted, will be transferred to this Court for final disposition.

SECTION 4. The Judge of said court shall have the same qualifications and shall receive the same salary and other emoluments of office as provided for chancellors and circuit judges by statute; and he shall take and subscribe to the same oath as provided for chancellors and circuit judges, and he is hereby authorized to sit by interchange with the judges of any Chancery or Circuit or Law Court or other Courts when requested to do so by said Judges.

SECTION 5. The Judge of the Common Law and Chancery Court of Dyer County, Tennessee shall be and become the Judge of the Law and Equity Court created by this Act, and such person shall hold said office until the next General Election, or until his successor is elected and qualified. At the General Election in 1974, and every eight (8) years thereafter, there shall be elected by the qualified voters of Dyer County, a Judge of the Law and Equity Court, who shall hold said office until the expiration of his term or until his successor is elected and qualified.

SECTION 6. In their respective jurisdictions, the County Court Clerk of Dyer County shall have the same authority, power and duty in regard to such Court and all matters pertaining to said Court as the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and Circuit Courts of the State of Tennessee. This Act shall not alter the manner in which the Clerk of the County Court of Dyer County, Tennessee, shall be elected and appointed.

The fees received by the Clerks of the Circuit Courts and Clerks and Masters of the Chancery Courts of the State of Tennessee for services performed in regard to the Law and Equity Court shall constitute a part of the fees of the County Court Clerk of Dyer County, Tennessee and shall be received, accounted for and disposed as such.

SECTION 7. The County Court Clerk of Dyer County, Tennessee shall maintain for the Law and Equity Court, dockets, minute books and all other records which Circuit Court Clerks and Clerks and Masters of the Chancery Courts of the State of Tennessee, are required by statute to maintain in regard to their respective courts. Such dockets, minute books and records shall be kept by the County Court clerk of Dyer County, Tennessee and shall be designated as the dockets, minute books and records of the Law and Equity Court of Dyer County.

SECTION 8. The first term of the Law and Equity Court of Dyer County, Tennessee, herein created, shall begin on the first Monday in July, 1972 and thereafter terms shall begin on the first Monday of each and every consecutive month thereafter.

The Law and Equity Court and the Judge thereof shall have authority to hold chambers courts for the disposition of chancery causes. Process shall be returnable in accordance with the new rules adopted by

the Legislature affecting all Law and Equity cases and courts in the State of Tennessee. The Judge of the Law and Equity Court shall have authority to promulgate rules of court necessary and proper to effect the orderly trial of all cases within the jurisdiction of the Court.

SECTION 9. Any and all actions by the Law and Equity Court and the Judge thereof shall be reviewed by appellate courts in the same manner provided by law for the review of similar action by Chancery or Circuit Courts and the judges thereof, depending upon the nature of the case and the action taken by the court or judge.

SECTION 10. The Sheriff of Dyer County shall wait upon the Law and Equity Court in the same manner as the Chancery, Circuit and Law Courts of Dyer County, for which he shall receive the same fees and other emoluments of office. The Sheriff and all other officers of the State shall execute all process issued from said court and shall receive the proper fees for such service.

SECTION 11. The Judge of the Law and Equity Court of Dyer County, Tennessee shall have and exercise all probate jurisdiction and all juvenile jurisdiction of all juvenile cases arising within Dyer County, Tennessee and the County Court Clerk of Dyer County, Tennessee shall continue to maintain all records of juvenile and probate cases where within the special jurisdiction of the County Court.

SECTION 12. Appeals in all Circuit cases may be taken from the decision of the Court of General Session for Dyer County to the Law and Equity Court in the same manner as provided by law for such appeals to the Circuit Court.

SECTION 13. Chapter 57, of the Public Acts of the General Assembly of the State of Tennessee, for 1947, and all amendments thereto and all laws or parts of law in conflict with this Act, or any provisions of same, shall be, and the same are, hereby repealed.

SECTION 14. If any provision of this law be adjudged unconstitutional by a court of competent jurisdiction, such shall not affect the other provisions, it being the legislative intent here expressed that the remainder of said bill would have been enacted, irrespective of the invalid provision.

SECTION 15. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1972.

Private Acts of 1955 Chapter 169

COMPILER'S NOTE: Some provisions of this act may have been superseded by [Tennessee Code Annotated](#) Section 8-23-103.

SECTION 1. That in counties of this State with a population of not less than 33,473 nor more than 33,503 by the Federal Census of 1950 or any subsequent Federal Census, the Quarterly County Court of said counties shall appropriate the sum of Two Thousand Two Hundred (\$2,200) per annum to be paid to the Judge of the Common Law and Chancery Court for said counties; said sum to be payable monthly out of the County Treasury of said counties on interest-bearing Warrants drawn by the Chairman of the County Court of said counties.

SECTION 2. That the salary to be paid by this Act from the Treasury of said counties is in addition to the salary authorized to be paid out of the Treasury of the State of Tennessee by Chapter 57, Public Acts of 1947, as amended, and nothing in this Act shall be construed to be in conflict with the provisions of that Act.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the quarterly county court of any county to which it may apply occurring more than thirty days after its approval or non approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 2, 1955.

General Sessions Court

Probate Jurisdiction

Private Acts of 1994 Chapter 123

SECTION 1. There is hereby conferred probate jurisdiction on the general sessions court of Dyer County.

SECTION 2. The Probate Court of Dyer County shall at all times be treated and considered as a court of record. Such court shall be in continuous session without the intervention of any term or terms and such court shall be held at such time and during such periods as shall be required to provide for the orderly disposition of all business properly coming before it.

SECTION 3. The Probate Court of Dyer County shall have concurrent jurisdiction, powers and authority with Chancery Courts in all matters relating to wills, administration of decedent's estates, qualification of guardians or conservators, the affairs of minors, incompetents, and others laboring under a disability, as well as all other jurisdiction traditionally exercised by courts with probate jurisdiction.

The authority, powers and jurisdiction conferred by this act shall be coextensive with the boundary lines of such county.

SECTION 4. Appeals from the judgment of the Probate Court of Dyer County arising under this act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

SECTION 5. All cases brought in the probate court pursuant to this act shall be according to the form for pleading and practice in the Chancery Court and such cases shall be tried as like cases are tried in the Chancery Court. The Clerk of the probate court shall keep a docket of cases filed and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery Court. The Judge of the Probate Court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the Chancery Court.

SECTION 6. The Clerk and Master of Dyer County shall be the Clerk of all matters filed in the Probate Court and all fees received by the Clerk shall continue to be part of the fees of that office. Necessary clerical help for the clerk shall be funded from the county general fund. The Clerk shall make application to the Judge of the Probate Court or to the Chancellor of the Chancery Court for authority to employ such help as is justified. Dyer County shall furnish the Probate Court Clerk adequate office space and equipment for the conduct of the affairs of the office.

SECTION 7. 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 this end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County acting in either regular or special session. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming law, the public welfare requiring it. For all other purposes, it shall take effect on August 1, 1994, the public welfare requiring it.

Passed: February 23, 1994.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1915, Chapter 355, established a three member Board of Jury Commissioners in Dyer County, who must be householders or freeholders, not a lawyer, nor a county officials, Justice of the Peace, or Constable, or have a suit pending in Court. The members would be appointed by the Judges of the Courts of record for terms which were staggered initially but afterwards would all be for three years. In case of an emergency or temporary appointment would be made for the next meeting of the Board only. All members were required to be under the oath written in the Act and the County Court Clerk, who would serve as Clerk to the Board, must also be sworn by the oath in the Act. It was the duty of the Board to meet on the third

Monday in May every two years, or within twenty days after the call of the Chairman, to select from the tax rolls, or other public sources, the names of at least 500 people, or as many as may be practical to serve as jurors during the ensuing two years. The Grand Jury, and all the petit Juries, would be drawn from this list, and the Board was authorized to meet and supply any deficiency which might arise. The Clerk must furnish a suitable book in which all the selected names would be entered in alphabetical order and the same confirmed by all three members of the Board. All the names would likewise be put on cards which would be placed in a box and the box locked and sealed. Within ten to fifteen days before Court, the box would be opened and a child under ten years of age would draw the number of names required from the box and this list would be submitted to the Court. At least five days before Court these names would be sent to the Sheriff to subpoena. No one could be excused except by order of the Court. The Chancellor could call upon the Clerk to supply a jury for that Court where one was needed. Commissioners would be paid \$3.00 per day.

2. Private Acts of 1917, Chapter 691, amended Section 10, Private Acts of 1915, Chapter 355, above, by adding a provision to that Section that a majority of the Commissioners could act with authority, and in the absence of the Chairman of the Commissioners, the Clerk was given the authority to deliver the cards containing the jurors names to the Judge in open Court. Another provision permitted the Board to furnish a list of prospective jurors who were qualified to the Sheriff for summoning without drawing the names from the box in order to expedite the selection of jurors.
3. Private Acts of 1921, Chapter 373, amended Section 12, Private Acts of 1915, Chapter 355, Item One, above, by adding another provision that, in order to dispatch the business of the Court and to avoid unnecessary delay in the trial of any case, the Jury Commission, or the presiding Judge, could furnish the Sheriff with a list of names of qualified people whom the Sheriff was required to summon to make up a jury whether in a special case, or not. These names were not to be taken necessarily from the jury box but could be chosen by the Commissioners, or the Judge.
4. Private Acts of 1955, Chapter 323, was rejected by the Quarterly Court of Dyer County and never took effect as a law. This Act would have set up a three member Board of Jury Commissioners for Dyer County whose qualifications and terms were similar to the previous Act. The members would be appointed by the Judges having Criminal Jurisdiction. A minimum of 800 names would be drawn through procedures duplicating those of the previous Board which would constitute the jury list until exhausted. Names drawn to serve as jurors would be placed in Jury Box #2 for three years and also in a book to be called "Jury Service Book." The Judge had the authority to select the Grand Jury at large. Provisions were made to replenish exhausted panels and to provide for special juries.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Dyer 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 Courts of Tennessee would be held by one of the Judges of the Supreme Court at least once a year in the present places of holding the Supreme Court. The Chancery Court at Rogersville would convene on the first 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. Court terms would endure for two weeks unless the dockets were cleared earlier than that.
2. Acts of 1824, Chapter 14, directed the Justices to arrange among themselves to hold the Chancery Courts at least twice each year at the regular places at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and at Jackson for all the counties west of the Tennessee River on the second Monday in April and October.
3. Acts of 1825, Chapter 32, required the Supreme Court Justices to make arrangements among their own number to hold a Chancery Court at Paris in Henry County for causes arising in the Counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer. The Court at Paris was scheduled to meet on the third Monday in April and October of each year.
4. Acts of 1827, Chapter 79, divided the State into the Eastern and Western Chancery Divisions. The Eastern Division was composed of the Courts meeting at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western Division contained those Courts which met at Franklin, Columbia, Charlotte, Jackson, and Paris. Dyer County was within the Chancery Court's

- jurisdiction which met at Paris in Henry County.
5. Acts of 1835-36, Chapter 4, enacted subsequent to the adoption of the 1834 Constitution, set up a system of equity jurisprudence in Tennessee which involved the appointment of three Chancellors by the General Assembly who would hold court in three Divisions in the State twice a year as a minimum. Each Chancery Division was further divided into Districts. Dyer County and Gibson County made up the Second District of the Western Division whose court would meet at Trenton in Gibson County on the second Monday in May and November.
 6. Acts of 1837-38, Chapter 14, assigned the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, and Madison to the Chancery District which would hold court at Huntingdon in Carroll County on the first Monday in February and August. This Act abolished the Chancery Courts formerly meeting at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville and directed that all the records in those courts be delivered to the Clerk and Master at Huntingdon. The Clerk and Master must keep a Deputy in each of the county seats of the above counties.
 7. Acts of 1839-40, Chapter 21, established a Chancery District consisting of the counties of Gibson and Dyer whose Court would meet at Trenton in Gibson county under the supervision of the Chancellor of the Western Division on the second Monday in March and September.
 8. Acts of 1853-54, Chapter 101, made Dyer County a separate Chancery District and a Chancery Court for the same would be established and held in Dyersburg on the first Monday in May and November of each year. This Act was passed on February 1, 1854, although the Chapter number is higher than the preceding Act in Item 8.
 9. Acts of 1855-56, Chapter 158, rescheduled the time for holding the Chancery County in Dyer County to the Thursday after the Monday in January and July.
 10. Acts of 1857-58, Chapter 88, established the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions in Tennessee. Dyer County was assigned to the Western Division which also included the counties of Henry, Weakley, Obion, Madison, Haywood, Hardeman, Fayette, Tipton, Lauderdale, Gibson, and Shelby. The Chancery Court in Dyer County would convene on the third Monday in January and July.
 11. Acts of 1865-66, Chapter 20, created a new Ninth Chancery Division in the State which comprised the counties of Obion, Gibson, Weakley, Henry, Carroll, Benton, and Dyer where the Chancery Court would meet on the second Monday in January and July.
 12. Acts of 1866-67, Chapter 25, rearranged the court dates for all the counties in the Ninth Chancery Division which still contained the counties originally place in it. Dyer County's Chancery Court would hereafter meet on the fourth Monday of March and September at Dyersburg.
 13. Acts of 1866-67, Chapter 33, formed the counties of Haywood, Madison, Dyer, and Gibson into a new and separate Chancery District for which a Chancellor would be provided by appointment first and election later.
 14. Acts of 1870, Chapter 32, divided Tennessee into twelve Chancery Districts. The Eleventh Chancery District contained the counties of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll, and Henry.
 15. Acts of 1870, Chapter 47, scheduled the opening dates for the two annual terms of the Chancery Courts of every county in the State. The Chancery Court of Dyer County would begin its term on the second Monday in May and November.
 16. Acts of 1870-71, Chapter 88, reset the dates for the beginning of the terms of Chancery courts in the 11th Chancery Division, which now was composed of the counties of Henry, Carroll, Lake, Weakley, Obion, Gibson, and Dyer where the Chancery Court would hereafter come together on the third Monday in April and October.
 17. Acts of 1883, Chapter 229, provided that the Chancery Court of Dyer County in the 11th Chancery Division would hereafter be held in the City of Dyersburg on the second Monday in February and August of each year. The Section of the State Code holding otherwise was repealed.
 18. Acts of 1885 (Ex. Sess.), Chapter 20, formed eleven Chancery Divisions in the State in a major reorganization of the entire lower judicial system. The Tenth Chancery Division was composed of the Counties of Fayette, Tipton, Haywood, Lauderdale, Dyer, Gibson, Obion, and Weakley. The Chancery Court in Dyer County would meet in Dyersburg on the fourth Monday in March and October. (This Act, and nearly every other prior act relative to the Tennessee Judicial System, was examined by the Supreme Court in Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958)).
 19. Acts of 1887, Chapter 83, amended Section 5, Acts of 1885 (Ex. Sess.), Chapter 20, to the effect

- that the Chancery Court in Dyer County would subsequently meet on the third Monday in June and the second Monday in December. All outstanding process must be made to conform to the change.
20. Acts of 1889, Chapter 23, rearranged the dates for the Chancery Court terms in the tenth Chancery District. The District was made up of the Chancery Courts at Weakley County, two places in Obion County, Fayette County, two places in Gibson County, Haywood County, Tipton County, Lauderdale County, and Dyer County whose court would meet on the third Monday in June and the second Monday in December at Dyersburg.
 21. Acts of 1895, Chapter 99, rescheduled the Chancery Court terms for the counties in the 10th Chancery Division. Dyer County's Court would take up the business of the Court on the fourth Monday in May and November.
 22. Acts of 1899, Chapter 427, was the next major overhaul of the entire lower court system of Tennessee. The Act formed ten Chancery Divisions in the State assigning the counties of Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton and Hardeman to the Ninth Chancery Division. Chancery Court terms would begin in Dyer County on the first Monday in January and July.
 23. Acts of 1903, Chapter 591, changed the dates for the opening of Court in the Ninth Chancery Division naming the counties of Obion, Weakley, Gibson, Lake, Haywood, Fayette, Lauderdale, Tipton, and Dyer where the Court would commence its terms on the first Monday in January and June each year.
 24. Private Acts of 1911, Chapter 147, applied itself to the Ninth Chancery Division but only affected Weakley County.
 25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower judicial system of the State and the last Act of this nature which appeared in the volumes of Private Acts. Subsequent Acts concerning State Courts would be part of the State Code. This Act created fourteen Chancery Divisions in Tennessee of which the Ninth Chancery Division contained the Counties of Fayette, Gibson, Haywood, Lake, Lauderdale, Obion, Tipton, Weakley, and Dyer. The Court terms would begin in Dyer County on the first Monday in January and July.
 26. Public Acts of 1947, Chapter 57, established a Common Law and Chancery Court in Dyer County whose Judge would be elected by the people for a eight year term. Robert D. Jones was name as the first Judge of this Court to serve until his successor was elected at the regular county election in August. The terms of this Court would begin on the first Monday in every month, and all process served more than five days before that time would be returnable to that term of Court. The jurisdiction of the County Court and of the Juvenile Court were vested in this Court and, in addition, all the powers and jurisdiction of the Chancery Court, and concurrent jurisdiction with the Circuit Court were likewise given to the Common Law and Chancery Court created hereunder in all civil cases, except devisavit vel non and criminal cases of both misdemeanors and felonies. The County Court Clerk would be the Clerk of this Court and the Judge could authorize the employment of a Deputy Clerk. The Judge could not practice law and would be paid \$5,000 annually, one-third to be paid by the County, and two-thirds to be paid by the State. This Act was repealed by Public Acts of 1972, Chapter 863.
 27. Public Acts of 1955, Chapter 80, amended Public Acts of 1947, Chapter 57, above, by deleting certain language from Section 13, and substituting other to the effect that the Judge of the Common Law and Chancery Court would be paid out of the treasury of the State of Tennessee as the salaries of other Chancellors and Circuit Judges were paid. This Act was repealed by Public Acts of 1967, Chapter 327.
 28. Public Acts of 1965, Chapter 327, amended Public Acts of 1947, Chapter 57, by rewriting Section 13 to provide that the compensation of the Judge of the Common Law and Chancery Court of Dyer County would be \$7,500 annually payable in equal monthly installments out of the State Treasury in the same manner as other Judges and Chancellors were paid. This Act was to take effect September 1, 1966. Public Acts of 1955, Chapter 80, Item 28, above, was expressly repealed, and this Act was in turn repealed in Item 34, below.
 29. Public Acts of 1967, Chapter 320, rewrote Section 16-245, Tennessee Code Annotated. The Ninth Chancery Division was composed of the Chancery Courts of the Counties of Fayette, Gibson, Haywood, Lauderdale, Tipton, and Dyer where the Chancery Court would convene on the first Monday in January and July and the Common Law and Chancery Court would continue to meet on the first Monday in every month.
 30. Private Acts of 1968, Chapter 442, would have repealed Private Acts of 1955, Chapter 169, Item

29, above, which provided for extra compensation for the Judge of the Common Law and Chancery Court but this Act was not acted on by the local authorities and consequently did not become an effective law.

31. Public Acts of 1968, Chapter 505, amended Section 16-245, Tennessee Code Annotated, by changing the terms of the Chancery Court of Dyer County to begin on the first Monday in April and October but the Common Law and Chancery Court would continue to meet on the first Monday in every month.
32. Public Acts of 1968, Chapter 636, amended Public Acts 1947, Chapter 57, as amended, by rewriting the text of Section 13 to set the compensation of the Judge of the Common Law and Chancery Court at \$19,700 annually, payable in equal monthly installments out of the Treasury of the State from and after September 1, 1974, in the same manner as all other Judges and Chancellors were paid. This Act repealed Public Acts of 1965, Chapter 327.
33. Public Acts of 1970, Chapter 507, amended Public Acts of 1947, Chapter 57, as amended, to fix the salary of the Judge of the Common Law and Chancery Court at \$9,700 annually payable out of the State Treasury as other Judges are paid, same to take effect on September 1, 1974. This Act was almost identical to Public Acts of 1968, Chapter 636, above.
34. Public Acts of 1973, Chapter 356, amended Section 16-244 of the Tennessee Code Annotated by transferring the Counties of McNairy, Hardin, and Hardeman out of the 8th Chancery Division and into the 9th Chancery Division. Section 16-245, T.C.A., was amended by removing Dyer County and Gibson County from the Ninth Chancery Division into a special section of that Division and giving the jurisdiction of all chancery cases in Dyer County to the Law and Equity Court with the provision that the present Chancellor complete all cases then pending before the Court.
35. Public Acts of 1974, Chapter 547, created an additional Chancellor's office for the 9th Chancery Division who would be elected in the regular August election in 1974 and take office on September 1, 1974. The Chancellor holding Part I of the Court would be deemed the Senior Chancellor.
36. Public Acts of 1980, Chapter 875, said that in all those counties where it was not otherwise specifically provided by public, private, special, or local Act, all the jurisdiction over the probate of wills and the administration of estates, formerly exercised by the county court and County Judge, or Chairman, would hereafter be transferred to and vested exclusively in the Chancery Court of that county. The Clerk and Master was granted all the powers necessary to accomplish all clerical duties. This Act did not apply to the counties with County Judges until September 1, 1982.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Dyer County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1825, Chapter 32, provided that the Supreme Court would appoint a Clerk and Master for the Chancery Court which met in Paris in Henry County to hear and decide the cases from the counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer.
2. Acts of 1845-46, Chapter 63, made it the duty of the Clerk and Master at Trenton in Gibson County to appoint a Deputy Clerk and Master who lived at Dyersburg, or in Dyer County, and who would keep his office open in Dyersburg.
3. Private Acts of 1915, Chapter 591, made all women over the age of 21, and residents of the county appointing them eligible to serve as Deputies in the office of the Clerk and Master in Dyer County. They would be subject to the same privileges and responsibilities and have the same authority as other Deputy Clerks and Masters.
4. Private Acts of 1927, Chapter 552, stated that in Dyer County the Clerk and Master of the Chancery Court would be paid the sum of \$2,250 annually, provided a sworn, itemized statement was filed with the County Chairman showing the amount of fees collected in the office, but the fees would not include those received for services as a Receiver, or those fees paid for transcripts. If the fees were less than the salary, the county was compelled to supply the difference, but, if the fees were more than the salary, the Clerk and Master was allowed to retain the excess. This Act was repealed by Private Acts of 1933, Chapter 533, below.
5. Private Acts of 1929, Chapter 701, set the salary of the Deputy Clerk and Master in Dyer County at \$75.00 per month, payable on the last day of each calendar month out of the general funds of the county on the warrant of the County Judge, or Chairman.
6. Private Acts of 1933, Chapter 533, specifically repealed Private Acts of 1927, Chapter 552,

concerning the salary of the Clerk and Master of Dyer County.

7. Private Acts of 1933, Chapter 655, set an annual salary of \$3,000 for the Clerk and Master of Dyer County, effective September 1, 1934. The Clerk and Master must file a sworn account of the fees of the office. If the fees exceeded the salary, the excess must be paid into the coffers of the county through the hands of the Trustee but, if the fees do not equal the salary, the amount collected would be the salary of the Clerk and Master for that year. This Act was intended only to reduce the salary of the Clerk and Master and nothing else. The continuance in office and acceptance of the pay would operate as an estoppel against the Clerk and Master to complain about salary provisions, and to ask for higher compensation.
8. Private Acts of 1939, Chapter 550, allowed the Dyer County Clerk and Master to receive a salary of \$2,000 annually for his services but he must file a sworn, itemized statement with the Chairman of the County Court showing the correct amount of the fees collected and paid including those for services as a Receiver and for making up transcripts of records for the Appellate Courts. If the fees were less than the salary, the difference must be paid by the warrant of the County Chairman out of regular county funds. Clerk and Master could retain excess up to \$2,200 but any amount over that would go into the county treasury. This act did not affect any Deputy Clerk and Master.
9. Private Acts of 1945, Chapter 449, amended Private Acts of 1929, Chapter 701, by increasing the salary of the Deputy Clerk and Master from \$75 per month to \$125 per month.

Circuit Court

The following acts were once applicable to the circuit court of Dyer 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 1823, Chapter 11, created the Ninth Judicial Circuit composed of the counties of Perry, Henderson, Carroll, and Henry, and all the counties west of Carroll and Henry to be erected and organized. The General Assembly would elect a Judge to preside over this new Circuit.
2. Acts of 1823, Chapter 41, fixed the terms of the Courts in the Ninth Judicial Circuit naming the Counties of Shelby, Hardeman, McNairy, Wayne, Hardin, Madison, Haywood, Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer whose Circuit Court would meet on the third Monday in May and November. Court could be kept open until the business of the Court was completed, or the time arrived to go to another county.
3. Acts of 1823, Chapter 108, provided that the Dyer County Circuit Court would be held at the home of John Warrens on the first Monday in June and December until otherwise provided by law, which apparently changed the dates mentioned in Chapter 41, above.
4. Acts of 1824, Chapter 53, allowed the Counties of Weakley, Obion, Dyer, and McNairy to adjourn their Circuit, County, and Quarterly Courts to such place as might suit the convenience of the county, and to the county town whenever they were ready to do so.
5. Acts of 1824, Chapter 102, scheduled the terms of the Circuit Courts in the 8th and 9th Judicial Circuits which were both made up of the Counties of Wayne, Hardin, Madison, Haywood, Tipton, Shelby, Fayette, McNairy, Gibson, Weakley, Obion, Hardeman and Dyer. The Circuit Court would meet in Dyer County on the second Monday in May and November.
6. Acts of 1825, Chapter 318, rescheduled the terms of Court in the 8th and 9th Judicial Circuits. The 9th Judicial Circuit comprised the counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer where the Circuit Court would meet on the third Monday in April and October.
7. Acts of 1826, Chapter 43, rescheduled the terms of Court for the Counties of Perry, Henderson, Carroll, Gibson, Obion, Weakley, Henry, and Dyer whose Circuit Court would start its terms on the first Monday in May and November.
8. Acts of 1835-36, Chapter 5, was passed subsequent to the adoption of the 1834 State Constitution and provided for three annual terms of the Circuit Courts in each county. The State was divided into eleven Judicial Circuits which would each have one Judge conducting the schedule of Court terms hereinafter provided. The Ninth Judicial Circuit included the Counties of Henry, Weakley, Obion, Gibson, Carroll, Benton, and Dyer whose Circuit Court would begin its terms on the fourth Monday in February, June and October.
9. Acts of 1845-46, Chapter 21, added Dyer County to the 10th Judicial Circuit, Tipton County to the 11th Judicial Circuit and Carroll and Benton Counties to the 9th Judicial Circuit.

10. Acts of 1845-46, Chapter 124, fixed the term of the Dyer County Circuit Court to start on the second Monday in February and June and on the first Monday in October but the first court held after the passage of this Act would be in accordance with the former schedule.
11. Acts of 1851-52, Chapter 181, rescheduled the Circuit Court terms for Dyer County to begin on the first Monday in February, June, and October but the change would not take effect until after the next term of court.
12. Acts of 1857-58, Chapter 13, formed the 15th Judicial Circuit assigning to it the Counties of Gibson, Obion, Dyer, and Lauderdale. The terms of court would begin in Dyer County on the first Monday in April, August, and December. The Sheriffs of the respective counties would hold an election to select a Judge and an Attorney General who would be compensated as other Judges and Attorneys General were.
13. Acts of 1857-58, Chapter 21, established the terms of the Circuit Courts in the counties of Lauderdale, Obion, Gibson, Carroll, Benton, Humphreys, Henry, Weakley, and Dyer where the terms of the Circuit Court would start on the first Monday in February, June, and October. The Judges of the regular Circuits would hold the Courts in Gibson County, Obion County, Lauderdale County, and Dyer County, until the Judge of the new 15th Judicial Circuit could be elected.
14. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 16th Circuit contained the counties of Lauderdale, Obion, Gibson, and Dyer. Obion County had two Circuit Courts in the County. The terms in Dyer County would begin on the first Monday in February, June and October.
15. Acts of 1867-68, Chapter 38, rearranged the terms of the Circuit Courts in the 16th Judicial Circuit. The Court would convene in Dyer County on the fourth Monday in January, May, and September at Dyersburg.
16. Acts of 1870, Chapter 31, established fifteen regular, and one Special, Judicial Circuit in the State. The 13th Judicial Circuit was composed of the Counties of Dyer, Gibson, Haywood, Madison, and a Special Court at Humboldt in Gibson County.
17. Acts of 1870, Chapter 46, scheduled the terms of Court for the Circuit Courts of every County in Tennessee. In Dyer County the terms of Court would start on the first Monday in January, May, and September.
18. Acts of 1870-71, Chapter 67, rescheduled Court terms for the Circuit Courts of the counties in the 13th Judicial Circuit. Dyer County's Circuit Court would commence the terms on the fourth Monday in January, May, and September at Dyersburg.
19. Acts of 1871, Chapter 145, changed the terms of the Circuit Courts in Gibson County and in Dyer County where the terms would start on the first Monday in February, June and October.
20. Acts of 1875, Chapter 137, rearranged the term of the Circuit Courts in the 13th Judicial Circuit. Court terms would begin in Dyer County on the first Monday in January, May, and September.
21. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system in Tennessee. The State was divided into fourteen regular, and one Special Judicial Circuits. The 13th Judicial Circuit contained the Counties of Hardeman, Fayette, Tipton, Lauderdale, Lake, and Dyer. Dyer County's Circuit Court would take up its term dockets on the third Tuesday in March, July, and November.
22. Acts of 1891, Chapter 179, changed the times for holding the Circuit Courts in Lauderdale County and in Dyer County. Dyer County would open the terms of the Circuit Court on the first Tuesday in April, August, and December, but the March term shall be as now scheduled by law and then the change incorporated in this Act would take place. 23. Acts of 1899, Chapter 427, reorganized the lower judicial structure of the State into fourteen Judicial Circuits. The 14th Circuit included the Counties of Obion, Lake, Dyer, Lauderdale, Tipton, Fayette, and Weakley. Court terms would begin in Dyer County on the first Monday in February, June, and October.
23. Acts of 1905, Chapter 304, rearranged court dates for the Circuit Courts of some of the counties in the 14th Judicial Circuit but did not change terms in Dyer County.
24. Acts of 1907, Chapter 485, reset the times of Circuit Court terms in the 14th Judicial Circuit. The changes included the Counties of Obion, Benton, Lake, Weakley, and Dyer whose Circuit Court terms would commence on the second Monday in February, June, and October.
25. Private Acts of 1915, Chapter 78, established a Criminal Court in Dyer County at Dyersburg, conferring upon the Court all the criminal jurisdiction of the Circuit Court from which all the records, pleadings, and exhibits would be transferred. The Circuit Court Clerk would continue to serve as the Clerk of the Criminal Court. The Grand Jury would continue to consider cases and to

return indictments. The Judge was granted authority to impanel both Grand and Petit Juries whenever the occasion required it. The Sheriff would continue to wait upon the Court as in the past and the State would make provisions for the prosecution of offenses. The Circuit Court Judge would hold the new Court without any additional compensation. The Court would meet twelve times annually on the fourth Monday in each month. This Act was repealed by the one following.

26. Private Acts of 1917, Chapter 226, expressly and entirely repealed Private Acts of 1915, Chapter 78, and transferred all the records of the Criminal Court back to the Circuit court for trial and further proceedings all criminal jurisdiction being hereby returned to that Court. This Act was effective on May 1, 1917.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the next wholesale revision of the lower Court system and the last act of this nature to appear in the volumes of Private Acts. Twenty Judicial Circuits were formed in the State of which the 14th Judicial Circuit contained the Counties of Obion, Benton, Lake, Weakley, and Dyer. Court terms would start in Dyer County on the second Monday in February, June, and October.
28. Public Acts of 1965, Chapter 204, amended Section 16-227, Tennessee Code Annotated, in several paragraphs, one of which changed the court terms of the Circuit Court in the Judicial Circuit of Lake, Obion, Weakley, and Dyer Counties. In Dyer County the Circuit Court was scheduled to meet on the second Monday in February, June, and October as it had been doing for several years, and the Common Law and Chancery Court would also continue to meet on the first Monday in each month.
29. Public Acts of 1978, Chapter 848, created the thirty-first judicial district which consisted of Dyer and Lake counties. The law and equity court was given jurisdiction of all chancery cases as well as concurrent jurisdiction with the circuit court in Dyer county. This act, as well as the Tennessee Code Annotated section of which it was a part has been repealed by Tennessee Code Annotated which under Section 16-2-506 places Dyer county in the twenty-ninth judicial district.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Dyer 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, was a salary Act which involved only the Circuit Court Clerks of the State which determined the annual salary of these Clerks according to the population of the county in which they served. The Clerks were directed to file an itemized sworn statement by January 1 of each year with the County Judge, or Chairman, showing all the fees collected in the office during the year. 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 surplus as his own. We calculate that the Circuit Court Clerk of Dyer County would have been entitled to a salary of \$1,000 annually under this Act.
2. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, above, by adding a provision that in counties having a population between 25,000 and 30,000 which had a Law Court established and in operation as well as a Circuit Court, and which required a separate Clerk's office to be maintained, the Clerks of the Circuit Court to those counties would be paid \$1,500 annually. This Act applied to Campbell, Dyer, Haywood, Henry, Lincoln, Obion, Robertson, Sumner, Tipton, Washington, and Wilson Counties.
3. Private Acts of 1931 (2nd Ex. Sess.), Chapter 84, stated that in Dyer County (identified by the use of the 1930 Federal Census figures) the Deputies in the office of the Circuit Court Clerk would be paid at the rate of \$75 per month, payable on the last calendar day of the month on the warrant of the County Judge, or Chairman, out of the general funds of the county.
4. Private Acts of 1933, Chapter 656, provided that the annual salary of the Circuit Court Clerk would be \$2,500. Conditioned upon the filing of an annual report showing the fees collected in the office. If the fees exceeded the salary, the excess would be paid into the county treasury. If the fees were less than the above amount, whatever fees had been collected would constitute the salary of the Clerk. Continuance in office, seeking and performing the duties thereof was an acceptance of the terms of this act and would work as an estoppel against the Clerk to claim any additional compensation. This act was to have no effect other than to reduce the salary of the Circuit Court Clerk to the above figure.
5. Private Acts of 1939, Chapter 367, set the salary of the Circuit Court Clerk in Dyer County at \$175 per month payable on the warrant of the County Chairman out of the funds of the county. The

Clerk would be compelled to pay over all the fees of his office to the County Trustee on January 1 each year, the above salary being in the place of all fees.

6. Private Acts of 1945, Chapter 103, amended Private Acts of 1939, Chapter 367, by increasing the monthly salary of the Circuit Court Clerk from \$175 to \$225, all other terms and conditions to remain as they were.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Dyer 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 1823, Chapter 11, formed a Solicitorial District composed of the counties of Obion, Gibson, Weakley, and Dyer which would be called the 16th Solicitorial District of Tennessee. A Solicitor would be elected for the District with the same authority and duties as the other Solicitors had.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District coincide with each Judicial Circuit which had criminal jurisdiction.
3. Public Acts of 1967, Chapter 254, created a Criminal Investigator for the Fourteenth Judicial District. This act is no longer operative in Dyer County which is part of the twenty-ninth Judicial District.
4. Public Acts of 1971, Chapter 138, created the Office of Assistant District Attorney General for the Fourteenth Judicial District, this is no longer applicable to Dyer County as it is now in the twenty-ninth judicial district.
5. Public Acts of 1973, Chapter 154, established an additional Assistant District Attorney position for the Fourteenth Judicial District this no longer applies to Dyer County which is in the twenty-ninth Judicial District.
6. Public Acts of 1987, Chapter 57, created the position of criminal investigator for the Juvenile Court of Dyer County. This act was specifically repealed by Public Acts of 1988, Chapter 149.

Probate Court

The following acts once affected the Probate Court in Dyer County and are no longer operative because they have been repealed or superseded by State law.

1. Private Acts of 1927, Chapter 161, created a Probate Court in Dyer County and repealed Private Acts of 1915, Chapter 82, which provided for a County Judge. This Act named S. L. Gordon to serve as Judge of the Probate Court until his successor was elected in the general August election of 1928 for a term of eight years. Regular terms of the Probate Court would begin on the first Monday in each month. This Court was given original jurisdiction in all matters of probate, administration of estates, orphan's business, and embraced all the items and subjects of this nature mentioned in the State Code, plus the jurisdiction of the Chancery Court in these matters could be exercised here, as well as divorce cases. The County Court Clerk would serve as the Clerk of the Probate Court. The Judge would be compensated at the rate of \$1,800 annually and was prohibited from practicing law. All records in the cases transferred must be transmitted to the Clerk of the Probate Court. This Court was further empowered to hear and decide Circuit Court cases when the same was agreed. This Act was repealed in Item 4, below.
2. Private Acts of 1935, Chapter 749, amended Private Acts of 1927, Chapter 161, above, in Section 4, by adding a provision making process returnable to the first Monday in each month only when it had been issued and served at least five days prior to that time. Section 5 was amended by adding a new subsection 7 allowing the Court to exercise concurrent jurisdiction with Chancery Court in divorce cases and transferring all the judicial functions of the County Chairman to this Court. Section 12 was changed to require the Judge to be sworn as other Judges were and Section 15 was amended to confer all juvenile jurisdiction to the Probate Court. All the Judges of the various Courts were allowed to interchange in Dyer County as in other counties.
3. Private Acts of 1937, Chapter 455, amended Private Acts of 1935, and Chapter 749, and Private Acts of 1927, Chapter 161, in Section 3, Subsection 7, by adding a Section which conferred upon the Probate Court concurrent jurisdiction with Chancery court to try divorce cases and to have concurrent jurisdiction in all other chancery matters to the same degree as Chancery Court possessed; by adding a section vesting the Probate Court with all the civil jurisdiction of the Circuit Court except devisavit vel non. All suits and appeals could be initiated in Probate Court as in the Circuit, or Chancery Court. The Sheriff was required to execute all the process of the Probate Court. All the criminal jurisdiction of the Circuit Court was also invested in the Probate Court. The Circuit Court Clerk would act as Clerk in all these matters. The salary of the Judge of

the court was set at \$3,000 annually, half to be paid by the county and half by the state.

4. Private Acts of 1947, Chapter 612, expressly repealed Private Acts of 1927, Chapter 161, Item One, which created the Probate Court, except for Section 18 which repealed the law creating the position of County Judge in Dyer County.
5. Public Acts of 1972, Chapter 863, placed all the jurisdiction of the Probate Court in the Law and Equity Court of Dyer County.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-28>