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Chapter V - Court System

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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.

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Chapter V - Court System

General Sessions Court

Private Acts of 1941 Chapter 91

COMPILER'S NOTE: This Act was subsequently amended by Private Acts of 1949, Chapter 54, but the Act was not specific as to the placement of some of the amendments within the original Act. For this reason, the amending Act is also published in full herein.

SECTION 1. That there is hereby created and established a court in and for Warren County, Tennessee, which shall be designated Court of General Sessions of Warren County, Tennessee. Said County shall provide a court room at McMinnville, dockets furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County.

SECTION 2. That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in Civil and Criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act. Provided that Justices of the Peace are hereby authorized to issue all warrants and other papers.

In addition to the jurisdiction, powers and duties vested by this chapter or by any other law in the court of general sessions of Warren County, such court is hereby constituted as the juvenile court of Warren County and all of the jurisdiction, powers and duties vested by law in juvenile courts is hereby vested in the general sessions court of Warren County. All of the juvenile jurisdiction heretofore possessed and exercised by the Warren County Court and the county judge of Warren County is hereby divested from such court and the judge thereof and is vested in the court of general sessions.

As amended by: Private Acts of 1943, Chapter 253
Private Acts of 1974, Chapter 210

SECTION 3. That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleading and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be same as of Justices of the Peace, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of \$50.00, exclusive of interest and cost; however, a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of the judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

SECTION 5. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 6. That separate dockets shall be kept in said Court for Civil and Criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant of process, and the return of the process, in brief form, action of the court on the case, both interlocutory and final orders, judgments, ex-executions [sic], garnishments, lists of the fees of the court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The Criminal Docket shall be kept in like manner.

SECTION 7. That there shall be one Judge of the said Court of General Sessions of Warren County, Tennessee, who shall be a person licensed to practice law in the State of Tennessee, having been admitted to practice in a Court of Record of the State not less than five years prior to September 1, 1950, and actively engaged in the practice of law at the time of his election, and with all other qualifications and term of office as provided by the Constitution of the State of Tennessee, for inferior Courts, and the oath

shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1949, Chapter 54

SECTION 8. That the compensation of each of said Judges shall be fifteen thousand dollars (\$15,000.00) per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of the county. Said Judge may practice his profession in the other courts of the State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided, further, however, he shall not give advice nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

As amended by: Private Acts of 1945, Chapter 126
Private Acts of 1947, Chapter 173
Private Acts of 1949, Chapter 54
Private Acts of 1974, Chapter 210

SECTION 9. That for the purpose of carrying out the provisions of this Act, W. G. McDonough is hereby appointed Judge of the Court of General Sessions for Warren County, Tennessee, to serve until the regular election in August, 1942, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942.

His successor shall be elected every two years at such election for the term provided by law for judges of inferior Courts.

SECTION 10. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, 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.

SECTION 11. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 12. That the Clerk of the Circuit and Criminal Courts of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Warren County." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County. The Clerk of said Court shall receive as compensation for his services the sum of Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, on the first of each month, out of the ordinary funds of said County, which shall be in addition to the fees and compensation now allowed by law, and shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions.

As amended by: Private Acts of 1945, Chapter 379
Private Acts of 1949, Chapter 548

Provided further, that the books and records of the Clerk of the Court of General Sessions of Warren County shall be audited by the County Audit Commission quarterly and a detailed report made to the County Court at such quarterly session of said County Court.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer. The clerk of the circuit and criminal courts of Warren County shall also act as clerk of the juvenile court and shall perform all of the powers and functions in regard to such court as are now vested by law in the county court clerk regarding juvenile matters.

As amended by: Private Acts of 1974, Chapter 210

SECTION 13. That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

SECTION 14. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 15. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to said County, as provided by law.

SECTION 16. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

SECTION 17. That the Judge of the Court of General Sessions of Warren County is hereby given inquisitorial powers in all misdemeanor cases and shall have the authority to go into the facts of all cases brought before him and upon investigation thereof, if, in his opinion, the facts are not sufficient to convict, he shall have the authority to dispose of the same.

SECTION 18. That the Legislature expressly declares that each section, sub-section, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 19. That all laws or parts of laws in conflict with the provisions of this Act be and they hereby are repealed.

SECTION 20. That this Act shall take effect immediately after its passage, the public welfare requiring it.

Passed: January 27, 1941

Private Acts of 1943 Chapter 321

SECTION 1. That the Court of General Sessions for Warren County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant, or information wherein the person charged with such offense 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 Circuit Court of Warren County, Tennessee, where such appeal shall be tried by the Judge of said Court without a jury, and without indictment or presentment.

SECTION 2. That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment for trial, to advise such defendant of his constitutional rights 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 on [sic] the right to waive such statement in reference to the accusation, and the right to a trial by jury. Upon the defendant agreeing to waive the right to be put to 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 by Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows: The defendant pleads guilty of such offense of and waives his right to be tried only by presentment or indictment of a Grand Jury and likewise waives right of trial by jury of his peers.

SECTION 3. That in all cases where defendant has been bound over to the Grand Jury of Warren County by the Recorder or Mayor of Town of McMinnville, such defendant shall be forthwith brought before the Court of General Sessions for Warren County, upon any State's warrant outstanding or any States warrant or information filed against them and there arraigned as if such cases originated in the Court of General Sessions as is provided for in Sections 1 and 2 of this Act.

SECTION 4. That the Legislature expressly declares that each Section, paragraph and provision of this Act is severable, and that should any portion of the Act be held unconstitutional [sic] or invalid, the same shall not affect the remainder of this Act, but such unconstitutional and invalid proportion shall be elided, and the Legislature declares that it would have enacted this Act with such invalid parts elided therefrom.

SECTION 5. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 6. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 5, 1943.

Private Acts of 1949 Chapter 54

SECTION 1. That House Bill No. 239, Chapter No. 91 of the Private Acts of 1941, the caption of which is fully set forth in the caption of this Act, be and the same is hereby amended as follows:

SECTION 2. That the Court of General Sessions of Warren County, Tennessee, shall have concurrent jurisdiction with Circuit and Chancery Courts in all proceedings for divorces as provided by Sections Nos. 10325 and 10379 of the official Code of the State of Tennessee for the year 1932. An appeal from the judgment of said Court in all divorce matters 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 3. That the Court of General Sessions of Warren County, Tennessee, shall be and is hereby made a Court of Record, and the laws regulating pleading and practice, stay of judgments, writs and processes in civil and criminal cases in Courts of Justice of the Peace, shall apply to the Court of General Sessions of Warren County, Tennessee, and in all other cases to be tried and determined by said Court, having jurisdiction concurrent with the Circuit and Chancery Courts, the pleadings and practices in such cases shall be the same provided by law for such Courts. The said Court, on matters concurrent with the jurisdiction with Circuit and Chancery Courts, shall be opened and held on the First Monday in each month and held from day to day during the month as the business of the Court may require. All processes for divorce cases shall be returnable to the first day of the term, namely the First Monday, and shall have been served on the defendant at least five days before the first day of court. In cases where publication for defendant's appearance is required, the last date of publication shall be at least five days before the first day of court. In the event there is no defense made to the suit during the first three days of the term of court, a pro confesso may be taken against the defendant and the cause set for hearing ex parte. The said Court shall make any and all other such rules of practices, from time to time, as may be deemed expedient, and which such rules as may be made by the Appellate Courts of the State, which may be revised as often as thought proper. Said rules, when made by the Judge of said Court of General Sessions of Warren County, Tennessee, shall be entered upon the Minutes of the Court.

SECTION 4. That Section 8 of said Act be and is hereby amended by striking out the words and figures Nine Hundred (\$900.00) Dollars in lines Nos. 2 and 3 thereof, and inserting in lieu thereof the words and figures as follows: Twenty Four Hundred (\$2,400.00) Dollars”.

SECTION 5. That Section 7 of said Chapter 91 of the Private Acts of 1941, of the General Assembly of the State of Tennessee, be and the same is hereby repealed, and in lieu thereof the following is inserted as Section 7 thereof:

“That there shall be one Judge of the said Court of General Sessions of Warren County, Tennessee, who shall be a person licenses to practice law in the State of Tennessee, having been admitted to practice in a Court of Record of the State not less than five years prior to September 1, 1950, and actively engaged in the practice of law at the time of his election, and with all other qualifications and term of office as provided by the Constitution of the State of Tennessee, for inferior Courts, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.”

SECTION 6. That the said Judge of the Court of General Sessions of Warren County, Tennessee, is hereby authorized and empowered to grant fiats authorizing the issuance of injunctions and attachments in all cases conferred on Judges of other Courts and Chancellors in the State of Tennessee.

SECTION 7. That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 8. That all laws and parts of laws in conflict with this Act be and are hereby repealed, and that this Act take effect from and after February 1, 1949, except Sections 4 and 5 hereof, which shall take effect from and after September 1, 1950, the public welfare requiring it.

Passed: January 25, 1949.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1827 (Ex. Sess.), Chapter 75, authorized the Court of Pleas and Quarter Sessions (Quarterly County Court) of Warren County to levy a tax in addition to all other taxes to pay jurors who attend the Circuit and County Courts, provided the pay shall not exceed \$1.00 per day.
2. Acts of 1905, Chapter 291, created a Board of Jury Commissioners for Warren County, to be comprised of three citizens and freeholders of the county and to be appointed by the Circuit Court Judge. The Judge would certify their names to the Clerk of the Circuit Court, who would summon them to meet at the courthouse at least 30 days before the next term of court. After being sworn, they would meet and select the number of jurors specified by the judge, and give the list to the Clerk, who would keep it secretly sealed until ten days before Court, at which time it would be given to the Sheriff for summoning said jurors. Any person appointed to the Board and refusing to serve could be fined, and those serving would be paid \$1.50 per day for their service. The

mechanics of furnishing jurors for the various courts were spelled out in the act, and some limitations were placed on the qualifications and frequency of service by a juror. Provisions were made for special panels and also in the event the original number was exhausted. This Act was specifically repealed by the following referenced act.

3. Acts of 1907, Chapter 66, specifically repealed Acts of 1905, Chapter 291, in its entirety.
4. Private Acts of 1927, Chapter 354, created another Board of Jury Commissioners for the County, and was very similar to the repealed prior act. The Board would be composed of three discreet and disinterested citizens and freeholders appointed by the Judges of the Circuit, Chancery, and Criminal Courts for two-year terms. Vacancies would be filled in the same way as the original appointments were made and the Circuit Court Clerk, or a Deputy, would serve as Clerk of the Board. The Board would compile a list of prospective jurors equal to one-fourth of the total votes cast in the most recent prior general election. Details were more numerous and dealt with the bookkeeping, records, and selection, summoning and grounds for excusing of jurors. Any new list to be compiled would not include the names on the current list. Members of the Board would get \$2.00 daily, but their compensation could not exceed \$10 yearly. This Act was repealed by the one following.
5. Private Acts of 1931, Chapter 13, specifically repeals Private Acts of 1927, Chapter 354, above, in its entirety.
6. Private Acts of 1935, Chapter 830, created another Board of Jury Commissioners primarily and substantially the same as was created by the preceding acts. The list of jurors to be compiled would number one-fourth of the votes cast in the last presidential election, the same to be taken from the tax books. The act prescribes the means by which jury panels would be chosen from this list; each person not selected would be placed back in the Jury Box. The act also numbers the amount of peremptory challenges each side of the litigation would have for excusing jurors. This Act was repealed by Private Acts of 1937, Chapter 224.
7. Private Acts of 1935 (Ex. Sess.), Chapter 146, also established a Board of Jury Commissioners in Warren County, which for all apparent purposes is similar to the previous Acts of this nature and to the 1941 Act which is published herein as a source of information on this type of law, even though all of them have been repealed and are no longer in effect.
8. Private Acts of 1937, Chapter 224, specifically repealed Private Acts of 1935, Chapter 830, (Item 6, above).
9. Private Acts of 1941, Chapter 334, also established a three-member Board of Jury Commissioners, with provisions similar to the previous acts.
10. Private Acts of 1949, Chapter 51, provided that all members of Grand Juries and Trial Juries in Warren County would receive \$4.00 daily for their services, and, if they lived more than ten miles from the Courthouse, would receive additional compensation of four cents a mile for travel allowances. The Clerk of the Court under whose jurisdiction the Juror served would certify the name of the Juror and the amount due to him or her to the County Judge, who would then issue warrants, to be paid by the Trustee.

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

1. Acts of 1822 (Ex. Sess.), Chapter 13, required that the justices of the Supreme Court hold an Equity Court at least once each year at Rogersville, Knoxville, Charlotte, Sparta, Nashville, and Columbia.
2. Acts of 1824 (2nd Sess.), Chapter 14, provided that the Supreme Court of the state would be held only at Knoxville, Sparta, and Nashville, that two more justices would be appointed by the General Assembly and that Chancery Court would then be held twice a year in all sections rather than once. The court would be held on the second Monday in June and December in McMinnville for White, Warren, Franklin, Marion, and Bledsoe counties.
3. Acts of 1826 (Ex. Sess.), Chapter 150, changed the time for holding Chancery Court at McMinnville to the first Monday in June and December instead of the second.
4. Acts of 1827, Chapter 79, divided the state into two Chancery Divisions. The Eastern Division consisted of the courts held at Rogersville, Kingston, Carthage, Greenville, and McMinnville, where the court terms for White, Franklin, Bledsoe, Warren, and Marion counties would begin on the third Monday in June and December.
5. Acts of 1827, Chapter 121, changed the court days for the Chancery Court at McMinnville to the

second Mondays in June and December.

6. Acts of 1832 (Ex. Sess.), Chapter 19, changed the first days of court terms for the entire Eastern Division of the Chancery Court. The court at McMinnville would commence on the fourth Mondays in June and December and continue for two weeks or more, if need be.
7. Acts of 1835-36, Chapter 4, divided the state into three Chancery Divisions, but also divided the grand sections into smaller districts. Warren and White counties were in the second district of the Middle Division, with court to be held at McMinnville on the second Mondays in January and July.
8. Acts of 1837-38, Chapter 116, Section 13, again assigned Warren and White counties to the second district of the Middle Division, but changed the court days at McMinnville to the fourth Mondays in January and July.
9. Acts of 1839-40, Chapter 21, set the court times for the new Fourth Chancery Division at McMinnville in Warren County on the fourth Mondays of January and July.
10. Acts of 1839-40, Chapter 33, divided the state into four Chancery Divisions. The Fourth Division consisted of the courts held at McMinnville, Livingston, Carthage, Winchester, Lebanon, Murfreesboro, and Shelbyville.
11. Acts of 1843-44, Chapter 161, changed the court terms of the Chancery Court at McMinnville to be held on the third Mondays in April and October.
12. Acts of 1845-46, Chapter 82, again changed the Chancery Court times in McMinnville's court to the fourth Mondays in March and September.
13. Acts of 1857-58, Chapter 88, divided the state into the Eastern, Middle, and Western Divisions, and into the Fourth, Fifth, and Sixth Divisions. Warren County was in the Fourth Division with Van Buren County, and retained the same court terms as before, the fourth Mondays of March and September.
14. Acts of 1866-67, Chapter 33, placed Warren County in the new Twelfth Chancery Division with White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, and Cannon and assigned her the same court terms.
15. Acts of 1868-69, Chapter 17, changed the court terms for Warren at McMinnville to the first Mondays in May and November.
16. Acts of 1870, Chapter 32, re-designated the twelfth Chancery District to be the fourth District, comprised of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, and Grundy Counties.
17. Acts of 1870, Chapter 47, placed Warren in the Fourth Chancery Division with Court terms beginning on the first Mondays of May and the fourth Mondays of November.
18. Acts of 1875, Chapter 53, changed the times of the Chancery Court terms in McMinnville to the first Mondays in May and November.
19. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven Chancery Divisions. Warren was in the Fourth Division with Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall Counties, and court terms started on the second Mondays in February and August. This statute was cited as part of the basis for the decision in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
20. Acts of 1887, Chapter 144, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the times of holding Chancery in Warren County to the second Mondays in May and November.
21. Acts of 1889, Chapter 214, amended Acts of 1887, Chapter 144, above, to alter court terms to the fourth Monday of May and November.
22. Acts of 1891, Chapter 209, amended Acts of 1889, Chapter 214, above, by changing the starting dates of the court terms in Warren to the fourth Monday of May and the third Monday of November.
23. Acts of 1899, Chapter 99, amended Acts of 1891, Chapter 209, above, by also changing the Chancery Court terms to begin on the fourth Mondays of May and November.
24. Acts of 1899, Chapter 427, reorganized the judicial structure of the state by dividing it into ten Chancery Divisions. The Third Chancery Division was comprised of Warren, Franklin, Rhea, Bradley, James, Marion, Coffee, Bledsoe, Sequatchie, Grundy, McMinn, Moore, Monroe, Polk, Meigs, and Hamilton. Court days at McMinnville were on the second Mondays in March and September.
25. Acts of 1911, Chapter 435, reorganized the Third Chancery Division by removing all of the counties listed above, except Hamilton County, and placing them into a newly created Twelfth

Chancery Division.

26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act published in the Private Acts which reorganized the courts. Among the fifteen Chancery Divisions, Warren was in the twelfth with Rhea, McMinn, Bledsoe, Sequatchie, Marion, Van Buren, Bradley, Meigs, Polk, Grundy, Coffee, Monroe and Franklin. Court terms started on the fourth Mondays in February and August.

Chancery Court - Clerk and Master

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

1. Private Acts of 1913, Chapter 31, used population figures but applied only to Warren County. This act increased the salary of the Clerk and Master to \$1,000 annually if he filed with the Judge or Chairman of the County Court by January of each year a sworn, itemized statement showing all the fees received by his office. If the fees failed to equal that amount, the county was to pay him the difference out of its regular funds, but if the fees exceeded that sum, he was to keep the difference. This Act was specifically repealed by Private Acts of 1937, Chapter 588.
2. Private Acts of 1929, Chapter 380, amended Private Acts of 1913, Chapter 31, above, by raising the salary of the Clerk and Master to \$1,200, instead of \$1,000, under the same terms as were expressed in that act.
3. Private Acts of 1937, Chapter 588, fixed the salary of the Clerk and Master at \$1,200 annually, under the same terms as before except that the Clerk and Master was not required to include his commissions in the amount of fees to be used in the accounting, those being expressly excluded. This Act expressly repealed Private Acts of 1913, Chapter 31.

Circuit Court

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

1. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. Warren, Smith, Franklin, Sumner, Overton, White, and Jackson Counties were in the third Judicial Circuit. Circuit Court was to be held twice annually and for Warren County, the court terms started on the third Monday in February and August.
2. Acts of 1812, Chapter 71, changed the court terms for the Circuit Court of Warren County to begin on the fourth Monday of January and July.
3. Acts of 1813, Chapter 133, also changed the beginning dates for the Circuit Court terms in Warren County and others. Warren County was changed to the fourth Monday of February and August.
4. Acts of 1817, Chapter 139, changed the court term dates for all of the Western Tennessee Counties. Warren County was switched to the third Mondays in February and August.
5. Acts of 1819, Chapter 232, changed all the court days in the Third Judicial Circuit. In Warren County, the Circuit Court at McMinnville would commence on the second Monday in September for two weeks, and on the third Monday in March.
6. Acts of 1821, Chapter 172, changed the terms of the Circuit Court in several counties among which was Warren whose court terms were set for the second Mondays in February and August.
7. Acts of 1824, Chapter 156, authorized the judges presiding in the counties of Warren and Washington, to appoint a time most convenient for the parties involved for holding a special term of the courts of those counties for the trial of all causes, both criminal and civil.
8. Acts of 1826 (Ex. Sess.), Chapter 150, again changed the starting days for Circuit Court terms in Warren County to the fourth Mondays in January and July to be held for three weeks, or longer, if necessary.
9. Acts of 1829, Chapter 52, created a new eleventh Judicial Circuit for the state composed of Warren, Franklin, Bedford, Rutherford, and Wilson Counties. A Circuit Judge was to be assigned to hold court in the new circuit.
10. Acts of 1835-36, Chapter 5, divided Tennessee into eleven Judicial Circuits. Warren County was placed in the Fourth Judicial Circuit in company with Smith, Overton, White, Jackson, and Fentress Counties. Court would be held at McMinnville for Warren County on the third Monday of January, May, and September.
11. Acts of 1837-38, Chapter 3, again reorganized the judicial structure of Tennessee. Warren County was situated in the thirteenth of fourteen Judicial Circuits with Lincoln, Franklin, and Coffee Counties. Court day remained on the third Mondays of January, May, and September.

12. Acts of 1837-38, Chapter 116, changed the times for holding court in some of the counties of the thirteenth Judicial Circuit. Warren changed to the third Mondays of April, August, and December.
13. Acts of 1839-40, Chapter 21, again reset the opening dates for Circuit Court terms in Warren and others. Warren County began on the third Mondays of January, May, and September.
14. Acts of 1841-42, Chapter 68, was a special act changing the Circuit Court terms in Warren County alone to the second Mondays of January, May, and September.
15. Acts of 1845-46, Chapter 27, changed court terms in the thirteenth Judicial Circuit, with Warren County returning to the third Mondays in January, May, and September.
16. Acts of 1847-48, Chapter 181, reset court days throughout the Thirteenth Circuit, changing Warren County to the fourth Mondays of February, June, and October.
17. Acts of 1849-50, Chapter 206, changed the time of holding of the Circuit Courts in the thirteenth Judicial Circuit, with Warren County set on the second Mondays in April, August, and December.
18. Acts of 1853-54, Chapter 125, provided that the Circuit Court in Warren County begin its terms on the first Monday in February, June, and October.
19. Acts of 1857-58, Chapter 98, divided the state into sixteen Judicial Circuits. Warren was assigned to the Eighth Circuit along with Grundy, Van Buren, Coffee, Lincoln, and Franklin Counties. Court terms would begin in McMinnville on the first Mondays of February, June, and October.
20. Acts of 1870, Chapter 31, organized Tennessee into fifteen Judicial Circuits. Warren County was in the sixth Circuit along with Grundy, Coffee, Franklin, Lincoln, and Van Buren Counties.
21. Acts of 1870, Chapter 46, established court terms for all the circuits. Warren County court terms would begin on the first Mondays of February, June, and October.
22. Acts of 1870-71, Chapter 15, was a special act changing only the court days for Warren County to the fourth Mondays in January, May and September, with all process to be made returnable thereto.
23. Acts of 1875, Chapter 53, changed Circuit Court times in Warren to the Tuesday after the fourth Monday of January, May, and September.
24. Acts of 1877, Chapter 141, provided that the Circuit Court terms would be changed in Warren County to the second Mondays of February, June, and October.
25. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen Judicial Circuits for Tennessee, placing Warren County in the sixth with Van Buren, Grundy, Franklin, Coffee, Moore, Lincoln, DeKalb, and White. Court terms were to start on the Tuesdays after the fourth Mondays in January, May, and September. This statute was cited in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
26. Acts of 1887, Chapter 8, changed court terms for all of the sixth Judicial Circuit. Warren shifted to the first Thursdays after the second Mondays in January, May, and September.
27. Acts of 1889, Chapter 214, changed times of the Circuit Court terms in Warren County to the second Monday in January, May, and September.
28. Acts of 1891, Chapter 156, amended Acts of 1889, Chapter 214, by changing the initial days of Circuit Court terms in Warren County to the Thursday after the second Monday in January and May, and the third Monday in September.
29. Acts of 1895, Chapter 97, repealed Acts of 1887, Chapter 8; and Acts of 1891, Chapters 34, 156 and 208; and set the Circuit Court terms in Warren County on the first Mondays of January, May, and September.
30. Acts of 1899, Chapter 427, reorganized all the judicial structure of Tennessee. Warren was placed in the seventh of fourteen Judicial Circuits, along with Van Buren, Grundy, Coffee, Moore, DeKalb, Bledsoe, Rhea, and Lincoln Counties. Court days in Warren were on the Thursday after the second Monday in January, and May, and after the third Monday in September.
31. Acts of 1903, Chapter 580, changed Circuit Court terms in the seventh Judicial Circuit. Warren was changed to the first Tuesdays after the third Mondays in May, September, and January.
32. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a public act reorganizing the entire judicial system of Tennessee into twenty judicial circuits. Warren, Coffee, Moore, Lincoln, DeKalb, and Van Buren Counties composed the Seventh Judicial Circuit and court terms for Warren were on the first Tuesday after the third Monday in January, May, and September.

- **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Warren County Circuit Court

Clerk. They were repealed, superseded, or never received local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk shall have the benefit of using the said building or they can use another one by paying this Clerk or his heirs the fair market value of the building.
2. Acts of 1903, Chapter 255, was an act which provided for the salaries of Circuit Court Clerks alone, according to population classes. Based on the census of 1900, Warren County's Clerk would be paid \$750 annually.
3. Private Acts of 1919, Chapter 775, declared that the Circuit Court Clerks of Warren and Marshall Counties would receive an annual salary of \$900 if the clerk would file with the Judge or Chairman of the County court in January of each year a sworn, itemized statement of all fees received. If the fees did not equal that amount, the county would pay the difference; but, if they exceeded that amount, the Clerk could retain the difference. This Act was repealed by Acts of 1923, Chapter 115.
4. Private Acts of 1927, Chapter 434, amended Acts of 1919, Chapter 775, above, by increasing the salary of the Circuit Court Clerk to \$1,000 per year under the same terms and conditions expressed in that act.
5. Private Acts of 1929, Chapter 379, was a new act with a general repealing clause which raised the salary of the Circuit Court Clerk to \$1,200 and repeated the same terms and conditions as before.

District Attorney General - Assistants and Criminal Investigators

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

1. Private Acts of 1817, Chapter 65, laid the State of Tennessee off in Solicitorial Districts, which were comparable to the circuits now manned by District Attorney Generals, and also created a new sixth Judicial Circuit. Bledsoe, Warren, Overton, Jackson, and White Counties composed the Fifth Solicitorial District.
2. Private Acts of 1819, Chapter 4, provided for a Solicitor General to be appointed for a new district composed of Macon, Bledsoe, Warren, White, Overton, and Jackson counties.
3. Public Acts of 1972, Chapter 680, authorized the District Attorney in the Seventh Judicial Circuit to hire a secretary at a salary of \$2,400 per annum.
4. Public Acts of 1974, Chapter 423, created the office of Criminal Investigator for Division 1 and for Division 2 of the Seventh Judicial Circuit. This Act was repealed by Public Acts of 1975, Chapter 221, which created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit. Said Act set forth the requirements and duties of these positions.
5. Public Acts of 1975, Chapter 221, repealed Public Acts of 1974, Chapter 423, and created two Criminal Investigator positions for the District Attorney General of the Seventh (7th) Judicial Circuit, to be appointed by the District Attorney General. The Criminal Investigators were to investigate crime, take statements of witnesses in felony cases and perform such other duties as may be assigned by the District Attorney General. At least one of them was to be an attorney licensed to practice in Tennessee. They were to have the same authority and powers as deputies of County Sheriffs.
6. Public Acts of 1976, Chapter 510, was a Special Public Act which created an additional office of full-time Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by the District Attorney General, and licensed to practice law in the State of Tennessee. The Assistant District Attorney General was to perform such duties as might be assigned by the District Attorney General, and compensation would be as provided by the general law of the State. The Act was amended by Public Acts of 1977, Chapter 466, which deleted the provision that no state funding was to be provided for the full-time Assistant Attorney General position until one Criminal Investigator position in the district had been eliminated.
7. Public Acts of 1977, Chapter 466, amended Public Acts of 1976, Chapter 510, by removing the last sentence in Section 3 which cut off state funding of the Assistant Attorney General's position created in that act as long as the Judicial Circuit had two criminal investigators supported by state funds.

General Sessions Court

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

1. Private Acts of 1943, Chapter 372, made the General Sessions Judge and the County Judge interchangeable so that one could preside in the absence of the other.
2. Private Acts of 1957, Chapter 305, would have amended Private Acts of 1941, Chapter 91, by increasing the salary of the Judge from \$2,400 to \$4,200 annually, but this act was rejected at the local level and did not become law.
3. Private Acts of 1959, Chapter 335, would have repealed Private Acts of 1949, Chapter 54, (which in turn was to amend Private Acts of 1941, Chapter 91), and in effect remove the divorce jurisdiction from the General Sessions Court, but this Act was also rejected at the local level and did not become effective.

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