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Court System - Historical Notes

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

Sincerely,

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Chancery Court

The following acts form an outline of the development of equity jurisdiction in Van Buren County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1845-46, Chapter 82, set up the chancery courts at McMinnville to begin on the fourth Mondays in March and September.
2. Acts of 1853-54, Chapter 123, provided that the court terms for the Chancery Court at McMinnville would start on the Thursday after the fourth Monday in March and September.
3. Acts of 1857-58, Chapter 88, assigned Van Buren County to the fourth Division of the Eastern Section of the Chancery Court with court terms for Warren and Van Buren County to start on the fourth Mondays of March and September at McMinnville.
4. Acts of 1857-58, Chapter 169, authorized the citizens of Van Buren County to file their bills in chancery court at Sparta in White County or at McMinnville in Warren County.
5. Acts of 1866-67, (Public) Chapter 33, established the 12th Chancery Division made up of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren Counties. The Governor would appoint a Chancellor for the division until one could be elected. Van Buren County was not given any court terms in this act but the terms at McMinnville (for the County of Warren) started on the fourth Mondays in March and September.
6. Acts of 1870, Chapter 32, organized the state into judicial districts and chancery divisions. There were 12 chancery districts in the State and the 5th was composed of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay Counties.
7. Acts of 1870, Chapter 47, established court terms for all the Chancery Divisions including the 5th. Van Buren Chancery Court would be held commencing on the first Mondays of May and November.
8. Acts of 1870-71 (3rd Sess.), Chapter 39, provided that the Chancery Court of Van Buren County would commence on the first Thursday after the third Monday in May, and the first Monday in November. All process would be made returnable to those dates.
9. Acts of 1875, Chapter 53, provided that the Chancery Court of Van Buren County would afterwards be held by the Circuit Judge of the 6th Judicial Circuit on the third Mondays in April, August, and December. All process would conform to those dates.
10. Acts of 1881, Chapter 34, changed the court terms for the Circuit and Chancery Courts in Van Buren County to the third Monday in April and the second Monday in October.
11. Acts of 1883, Chapter 204, repealed Acts of 1881, Chapter 34, and set new terms for the Circuit and Chancery Courts to start on the first Tuesday after the third Monday in April, August and December.
12. Acts of 1885 (Ex. Sess.), Chapter 20, rearranged the state Judicial structure. Van Buren County was in the Third Chancery Division of the eleven created along with Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Coffee, and Grundy. Court terms would be three times a year for Van Buren County on the same days as the Circuit Court. Circuit Court terms started as stated in Item 11, above.
13. Acts of 1887, Chapter 13, changed court terms in all the counties of the Third Chancery Division. Van Buren County's Chancery Court would be held three times in a year at the same time as the Circuit Court and the Judge of the Fifth Judicial Circuit would hold it.
14. Acts of 1889, Chapter 13, also changed the court term dates in the Third Chancery Division but left Van Buren's as it was.
15. Acts of 1891 (Extra Session), Chapter 24, amends Acts of 1887, Chapter 13, so as to authorize the Judge of the 6th Judicial Circuit to hold the Chancery Courts of Van Buren County instead of the Judge of the Fifth Judicial Circuit.
16. Acts of 1895, Chapter 97, directed that the Circuit and the Chancery Courts of Van Buren County both be held by the Judge of the 6th Judicial Circuit at the times now fixed by law, should be held on the fourth Mondays of April and October.
17. Acts of 1897, Chapter 310, amends Acts of 1895, Chapter 97, so as to change the court terms of

both Chancery and Circuit Courts to the first Tuesday after the fourth Monday in April and October.

18. Acts of 1899, Chapter 427, was a statewide act reorganizing all the judicial system in the lower courts. There were ten Chancery Divisions in all. The Fourth was comprised of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Van Buren's chancery court would be held on the third Monday in April and October.
19. Acts of 1899, Chapter 429, placed the Circuit and Chancery Courts of Van Buren together again on court dates which were set on the second Monday in April and the first Monday in October. This act was passed after Chapter 427, above, and would prevail because of that.
20. Acts of 1901, Chapter 399, repealed Acts of 1899, Chapter 429, and set the new terms for Circuit and Chancery Courts to start on the first Tuesday after the fourth Mondays in April and August.
21. Acts of 1901, Chapter 493, amended Chapter 399, so that the word "August" was changed to "October".
22. Acts of 1903, Chapter 97, separated the Chancery and Circuit Court terms in Van Buren County. Chancery Court would start on the first Thursday after the fourth Monday in April and October. The County was still in the Fourth Chancery Division.
23. Acts of 1905, Chapter 120, changed the court terms for most of the counties in the Fourth Chancery Division except Van Buren. The Fourth Division now included Cannon, Trousdale, Cumberland, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, and Putnam; probably the largest number of counties in any Chancery Division of the State.
24. Private Acts of 1911, Chapter 318, provided that the Chancery Court of Van Buren County would hereafter be held on the first Tuesdays after the fourth Mondays in April and October, instead of the times formerly fixed by law.
25. Private Acts of 1911, Chapter 435, created the 12th Chancery Division and placed Hamilton County alone in the Third Division. The counties in the 12th Division were Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe. The Governor would appoint a Chancellor to serve until one could be elected in August, 1912.
26. Private Acts of 1911, Chapter 507, changed the court terms for the counties in the Fourth Chancery Division but left Van Buren's terms as they were. The counties listed in this act were Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, and Putnam. This Act was passed on July 1, 1911, and Chapter 435 was passed on June 28, 1911.
27. Private Acts of 1923, Chapter 394, changed the Chancery Court terms of Van Buren and McMinn Counties in the 12th Chancery Division. Van Buren terms started on the first Tuesday after the first Mondays in April and October as they are now.
28. Public and Private Acts of 1931 (2nd Ex. Sess.), Public Chapter 38, restructured the lower judicial system of the state. Van Buren County was in the 12th Chancery Division of the fourteen created, and the terms of court remained the same. Rhea, McMinn, Warren, Bledsoe, Sequatchie, Marion, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, and Franklin Counties were the other 13 counties in the Division.

Chancery Court - Clerk and Master

The act listed below once applied to the Clerk and Master in Van Buren County.

1. Private Acts of 1953, Chapter 356, stated that in Van Buren County the Clerk and Master of the chancery court would be paid an annual salary of \$750 in twelve monthly installments out of the general funds of the county upon warrants being issued by the County Judge which would be in full compensation for his services. The Clerk and Master would submit quarterly reports to the county court showing the total amount of fees collected in the office, which fees would be paid into the County Treasury.

Circuit Court

The following acts were once applicable to the Circuit Court of Van Buren 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 1839-40, Chapter 21, designated that Van Buren County would be attached to the 13th Circuit, and that the Circuit Courts would be held by the Judge of that Circuit on the 4th Mondays

of April, August and December. This Act was passed nearly a year prior to the passing of the Act which created Van Buren County.

2. Acts of 1847-48, Chapter 181, set court terms for Van Buren County to start on the fourth Mondays in January, May and September. Van Buren County was a part of the 13th Judicial Circuit, along with the counties of Coffee, Grundy, Warren, Lincoln, and Franklin.
3. Acts of 1849-50, Chapter 206, changed court terms for the 13th Judicial Circuit and apparently took Lincoln county out. Court terms in Van Buren would begin on the fourth Mondays in April, August and December.
4. Acts of 1855-56, Chapter 158, changed the starting dates for the circuit courts in Van Buren County to the fourth Mondays in January, May, and September.
5. Acts of 1857-58, Chapter 27, changed circuit court terms to the third Monday in April, August, and December in Van Buren County.
6. Acts of 1857-58, Chapter 98, created sixteen circuits for the State. Grundy, Van Buren, Coffee, Warren, Lincoln, and Franklin counties constituted the 8th Judicial Circuit. Court terms in Van Buren would start on the third Mondays of April, August, and December.
7. Acts of 1865-66, Chapter 8, detached Van Buren County from the 8th Judicial Circuit and attached it to the Fifth Judicial Circuit.
8. Acts of 1869-70, Chapter 60, took Van Buren County out of the 5th Judicial Circuit and put it back in the 8th Judicial Circuit.
9. Acts of 1870, Chapter 31, reorganized the judicial system of the State into fifteen circuits and one special circuit. The Sixth Judicial Circuit was comprised of Grundy, Warren, Coffee, Franklin, Lincoln, and Van Buren Counties.
10. Acts of 1870, Chapter 46, established court terms for all the judicial circuits including the Sixth. Van Buren's terms would begin on the third Mondays in April, August, and December.
11. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen regular and one special judicial circuits in Tennessee. The Sixth Judicial Circuit was composed of Van Buren, Grundy, Franklin, Coffee, Warren, Moore, Lincoln, DeKalb, and White Counties, with court terms commencing on the first Tuesdays after the third Mondays in April, August, and December in Van Buren County.
12. Acts of 1887, Chapter 8, changed court terms for all the counties in the 6th Judicial Circuit. Van Buren was changed to the third Mondays in April, August, and December. No change occurred in the counties composing the 6th Circuit.
13. Acts of 1899, Chapter 427, rearranged the divisions of the lower court system in Tennessee, creating fourteen circuits, and assigning Van Buren, Grundy, Coffee, Warren, Moore, DeKalb, Bledsoe, Rhea, and Lincoln Counties to the 7th Judicial Circuit. Court terms would start on the fourth Monday in April and October in Van Buren County.
14. Acts of 1903, Chapter 580, reassigned Court terms in the Seventh Judicial Circuit. Van Buren was stated to begin on the first Tuesdays after the fourth Mondays in April and October.
15. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, also reorganized the lower courts of the State into twenty Judicial Circuits, placing Coffee, Warren, Moore, Lincoln, DeKalb, and Van Buren counties in the Seventh Judicial Circuit. Court terms in Van Buren would start on the first Monday after the fourth Mondays in April and October.
16. Public Acts of 1955, Chapter 222, amended T.C.A. 16-217 by changing the court terms for Van Buren County in Part One of the Seventh Judicial Circuit to the first Tuesday after the fourth Mondays in April and October.
17. Public Acts of 1972, Chapter 520, divided the 7th Judicial Circuit into two parts; created the office of one additional judge for Part 2; and set forth the qualifications for, and powers, requirements and election of that judge.
18. Public Acts of 1974, Chapter 596, allotted the sum of \$1,800 per annum for the expenses of maintaining an office for the Judge of Part 2, Seventh Judicial Circuit. Said expenses were to be paid by the State of Tennessee, as set forth in the Code.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Van Buren 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 1867-68, (Public) Chapter 88, provided that the Judge of the Fifth Judicial Circuit shall

have equity jurisdiction and would commence holding court at Spencer at the same time as the circuit courts were held for the said county and would hear and determine said causes as were ready for trial.

2. Acts of 1905, Chapter 119, amended Public Acts of 1903, Chapter 255, which set the salary of Circuit Court Clerks throughout the state according to population under which the Circuit Court Clerk in Van Buren County would have drawn \$500 a year, so as to exempt Van Buren County from its provisions.
3. Private Acts of 1921, Chapter 247, fixed the annual salary of the Circuit Court Clerk in Van Buren County at \$300 provided a sworn, itemized statement was filed with the County Judge or Chairman showing the amount of fees collected from every source and which would also show that no fees were given away. If the fees failed to equal the salary, the County would pay the difference to the clerk out of the treasury but if the fees exceeded the salary, the clerk could retain them.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Van Buren 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. Public Acts of 1935, Chapter 146, created the office of Assistant Attorney General for Van Buren County and other counties in the judicial circuit who would serve at the pleasure and direction of the Attorney General of the circuit and be paid according to the general law of the State.
2. Public Acts of 1972, Chapter 680, as amended by Public Acts of 1974, Chapter 512, authorized the District Attorney General to employ a secretary and set forth the compensation for that position.
3. Public Acts of 1974, Chapter 423, created the office of Criminal Investigator for both divisions of the Seventh Judicial Circuit. Division One was comprised of the counties of DeKalb, Warren, and Van Buren, and Division Two consisted of Coffee County. Each investigator would be appointed by the District Attorney General and serve at his pleasure and direction. They would have the same authority and power as Deputy Sheriffs. This act was repealed by Public Acts of 1975, Chapter 221.
4. Public Acts of 1975, Chapter 221, repealed Public Acts of 1974, Chapter 423, which created the office of Criminal Investigator for each division of the Seventh Judicial Circuit, and created two Criminal Investigator positions for the District Attorney General of the Seventh Judicial Circuit. In it were set forth the qualifications, duties, responsibilities and compensation of the offices.
5. 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.
6. 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.
7. Public Acts of 1978, Chapter 768, created an additional office of Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by and serve at the pleasure of the District Attorney General.

General Sessions Court

The following act once affected the general sessions court of Van Buren County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1986, Chapter 113, was an Act passed authorizing the transfer of probate authority to the clerk of general sessions court. All action taken by the clerk would be subject to approval of the chancellor. This Act was disapproved, locally, and therefore, never became operative as law for the county.

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