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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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# Court System - Historical Notes

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

The following act once affected jurors or boards of jury commissioners in Tipton County, but is no longer operative.

1. Private Acts of 1951, Chapter 504, created a board of jury commissioners for Tipton County (as specified by the population range for the Federal Census of 1940). The board was to consist of three discrete persons (to be appointed by the circuit judge) who were householders, residents of different sections of the county, not practicing attorneys at law, and were to each serve, under oath, a term of six years. It was the duty of the jury commissioners to select from the tax books of the county or other sources names of upright and intelligent men, known for their integrity, fair character, and sound judgment. These names would comprise a list of not less than 500 nor more than 1,500 prospective jurors, to be recorded by the circuit court clerk as clerk of the board. The names would then each be written on a slip of paper and placed in jury box kept securely locked and under seal for the purpose of drawing the names of jurors prior to each term of the circuit court. The act outlined the procedure for the drawing of names and summoning of jurors for impaneling the grand and petit juries. The judge responsible for appointing the jury commissioners also had the right to remove any of them for incompetency, failure to perform their duties or corruption of office. The jury commissioners were to receive \$5.00 each for every day's service while actually engaged in making up the jury list and in drawing the venire.

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Tipton County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.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 1849-50, Chapter 31, Sections 1 and 4, created a common law and chancery in Memphis, and provided that suitors in chancery in the county of Tipton could file their bills in the common law and chancery court of the city of Memphis or in the chancery court at Brownsville.
2. Acts of 1851-52, Chapter 352, Section 4, made it lawful for suits in chancery originating in Tipton County to be brought in the chancery court at Sommerville.
3. Acts of 1853-54, Chapter 105, Sec. 5, created a chancery court in Covington and provided that Tipton County was to constitute a separate chancery division.
4. Public Acts of 1873, Chapter 65, changed the time of holding chancery court for Tipton County in Covington to the second Monday in April and October.
5. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state of Tennessee into judicial circuits and chancery divisions and fixed the times of holding said courts. Tipton County was placed in the tenth chancery division, with court to be held on the fourth Mondays in February and August.
6. Acts of 1887, Chapter 169, set the dates for holding chancery court in Tipton County on the third Mondays of March and September.
7. Acts of 1889, Chapter 23, fixed the time of holding the terms of the several chancery courts of the tenth chancery division of the state, with Tipton County Chancery Courts to be held on the third Mondays of March and September, at Covington.
8. Acts of 1895, Chapter 99, also fixed the time of holding the terms of the several chancery courts of the tenth chancery division. There was no change made in the days and place of holding the Tipton County Chancery Court.
9. Acts of 1899, Chapter 427, once again divided the state into judicial circuits and chancery divisions, placing Tipton, along with Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood and Hardeman counties in the ninth chancery division. Court was to be held on the second Monday in May and the fourth Monday in November.
10. Acts of 1903, Chapter 591, fixed the times of holding the several chancery courts in the ninth chancery division, changing the times for Tipton County to the first Mondays of June and December. This act also repealed so much of the Acts of 1899, Chapter 427, which were in conflict with the times fixed herein.
11. Public Acts of 1974, Chapter 547, created an additional chancellor for the ninth chancery division in order to more equitably distribute the caseload. The chancellor holding part I of the ninth chancery division would be deemed the senior chancellor and presiding chancellor of the division,

and be responsible for assigning duties to the chancellor of part II. Part I was comprised of Fayette, Hardeman, Hardin, McNairy and Chester counties. Part II was comprised of Tipton, Lauderdale, Haywood and Crockett counties. The act set forth duties, obligations and responsibilities for the presiding chancellor. The additional chancellor was also empowered to appoint a suitable stenographer to assist him in the performance of his duties, and compensation for same was stated in the act.

12. Private Acts of 1982, Chapter 311, gave exclusive jurisdiction over the probate of wills and the administration of estates to the chancery court of Tipton County, which jurisdiction was formerly vested in the county court or the county judge. The county clerk was retained as the clerk of the court and was empowered to perform a number of functions incidental to probate matters. This act was not approved, locally, and therefore did not become law.

### **Chancery Court - Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Tipton County.

1. Private Acts of 1911, Chapter 56, set the salary of the clerk and master at \$1,000 per year, and provided that he could retain any excess fees collected by his office. If the total amount of fees and commissions collected failed to equal the designated salary amount, the county was to make up the difference.
2. Private Acts of 1921, Chapter 9, also set the annual salary for the clerk and master at \$1,000 and provided that any excess fees above this amount could be retained by him. Private Acts of 1925, Chapter 304, amended the original act to raise the salary to \$1,200 per annum.
3. Private Acts of 1931, Chapter 823, provided that the clerk and master was to receive an allowance of not more than 7% of the amount of delinquent taxes collected by that office, as compensation for collecting same.
4. Private Acts of 1933, Chapter 557, set the salary of the clerk and master at \$1,200 per annum, plus any additional fees collected by his office as receiver or special commissioner. Any short-falling would be made up by the county.
5. Private Acts of 1935, Chapter 760, set the salary of the clerk and master at \$1,500 per annum, plus any excess fees, and required him to file an annual statement of fees collected by his office with the county court clerk. This act was amended by Private Acts of 1939, Chapter 536, which raised the salary to \$1,800 annually.
6. Private Acts of 1949, Chapter 69, increased the salary of the Tipton County Clerk and Master, setting his annual compensation at \$2,400, plus any additional fees collected by his office, over and above \$2,400. Private Acts of 1949, Chapter 337, was an amendment to the original act, requiring the clerk and master to keep a monthly record of all fees collected by his office and report same to the county judge or chairman. Private Acts of 1951, Chapter 442, also amended the original act, providing that commissions allowed the clerk and master for the collection of delinquent taxes were not to be considered as a supplemental fee for purposes of this salary act.
7. Private Acts of 1957, Chapter 253, provided that any commissions allowed the clerk and master by the quarterly county court for the collection of delinquent taxes by his office were to be considered in the same manner as compensation received by a receiver or special commissioner and were to be excluded from any settlement with the county by the clerk and master.

### **Circuit Court**

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

1. Acts of 1824 (Ex. Sess.), Chapter 102, set the time for holding circuit court in Tipton County on the fourth Mondays in March and September.
2. Acts of 1825, Chapter 318, changed the time for holding circuit court to the third Mondays in June and December.
3. Acts of 1839-40, Chapter 21, regulated and altered the time of holding of circuit courts for, inter alia, the eleventh judicial circuit, with Tipton County being attached to and made a part of said circuit. Tipton County's courts were to be held on the third Mondays in February, June and October.
4. Acts of 1841-42, Chapter 149, Section 3, placed Tipton County in the tenth judicial circuit.
5. Acts of 1843-44, Chapter 155, Section 2, set the time for holding circuit court in Tipton County on the second Mondays in March, July and November.
6. Acts of 1845-46, Chapter 21, placed Tipton County in the eleventh judicial circuit and set the days

for holding court on the first Mondays in February, June and October.

7. Acts of 1853-54, Chapter 150, specified that circuit court in Tipton County was to be held on the first Mondays in January, May and September.
8. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state of Tennessee into judicial circuits and chancery divisions and fixed the times of holding said courts. Tipton County was placed in the thirteenth judicial circuit, with court to be held on the second Tuesday in February, June and October.
9. Acts of 1899, Chapter 427, once again divided the state into judicial circuits and chancery divisions, placing Tipton, along with Dyer, Obion, Lake, Weakley, Lauderdale and Fayette counties in the fourteenth judicial circuit. Court was to be held on the first Monday in March, July and November.
10. Acts of 1905, Chapter 57, created the sixteenth judicial circuit, placed Tipton County in that circuit, and provided the days for holding court at Covington to be the first Monday in March, July and November.

#### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Tipton County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a general law providing and regulating the compensation of circuit court clerks in the state of Tennessee. The salary for the circuit court clerk of Tipton County (as designated by the 1900 Federal Census population range) was set at \$1,000 per annum. Private Acts of 1911, Chapter 675, amended the original act as it applied to Tipton County by specifying that the county to which the act was to apply was to also have an established law court with a separate office for same, to be kept by the clerk of the circuit court or his deputy, and set the salary of the circuit court clerk at \$1,500 annually.
2. Private Acts of 1923, Chapter 305, contained a general repealing provision and set the annual salary of the circuit court clerk at \$1,500. It also provided that he was to receive no other compensation.
3. Private Acts of 1927, Chapter 558, raised the salary of the circuit court clerk to \$1,800 per annum. All fees collected were to be paid to the county to become part of the general funds of the county.
4. Private Acts of 1933, Chapter 50, lowered the circuit court clerk's salary to \$1,200 per year, with no other compensation. This act was amended in Private Acts of 1935, Chapter 344, which raised the salary to its 1923 level of \$1,500 per year.
5. Private Acts of 1939, Chapter 59, raised the salary of the Tipton County Circuit Court Clerk to \$1,800 annually, and entitled him to no other compensation.
6. Private Acts of 1949, Chapter 82, set the salary of the Tipton County Circuit Court Clerk at \$2,400 per year, and entitled him to no other compensation. All fees collected by him were to be paid to the county.

#### **Criminal Court**

The following acts once pertained to the Tipton County Criminal Court, but are no longer current law. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 563, established a separate criminal court at Covington for Tipton County, providing exclusive jurisdiction from circuit court to try all offenses against the liquor laws of the state, all violations of laws of the state against carrying concealed weapons, petit larceny cases and all misdemeanors. This act was specifically repealed and the court abolished by Private Acts of 1919, Chapter 8. Criminal jurisdiction was subsequently returned to the circuit court.

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

The following act once affecting Tipton County is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1973, Chapter 91, created the office of assistant district attorney general for the sixteenth judicial circuit of the state. The assistant district attorney general was to be appointed by the district attorney general and to serve at his pleasure, performing such duties and functions as might be assigned and directed by the district attorney general or as provided by law. Compensation was prescribed by the general laws of the state.

#### **General Sessions**

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

1. Private Acts of 1982, Chapter 386, was an act to set an amount of compensation for the general sessions judge of Tipton County in addition to any other salary to which he was entitled if, on September 1, 1982, he would assume and exercise juvenile, probate or divorce jurisdiction for said county. This act was not approved locally, and therefore, did not become operative law.

#### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1957, Chapter 150, provided for the employment of a stenographer by the chancellor of the ninth chancery division, with compensation set at \$2,400. This act was amended twice to raise the salary to \$3,600 by Public Acts of 1963, Chapter 309, and to \$4,800 by Public Acts of 1967, Chapter 137.

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