



March 29, 2025

---

# Chapter V - Court System

---

Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://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](http://www.ctas.tennessee.edu)

<b>Chapter V - Court System</b> .....	<b>4</b>
<b>Board of Jury Commissioners</b> .....	<b>4</b>
<b>Foreman of Grand Jury</b> .....	<b>4</b>
<b>Private Acts of 1963 Chapter 152</b> .....	<b>4</b>
<b>Chancery Court</b> .....	<b>4</b>
<b>Clerk and Master</b> .....	<b>4</b>
<b>Contracts with Banks</b> .....	<b>4</b>
<b>Private Acts of 1935 Chapter 497</b> .....	<b>4</b>
<b>Reorganization</b> .....	<b>4</b>
<b>Public Acts of 1957 Chapter 294</b> .....	<b>4</b>
<b>Circuit Court</b> .....	<b>6</b>
<b>Organization</b> .....	<b>6</b>
<b>Acts of 1905 Chapter 102</b> .....	<b>6</b>
<b>Creation of Division V</b> .....	<b>7</b>
<b>Public Acts of 1955 Chapter 162</b> .....	<b>7</b>
<b>Creation of Division VI</b> .....	<b>8</b>
<b>Public Acts of 1957 Chapter 318</b> .....	<b>8</b>
<b>Creation of Division VII</b> .....	<b>8</b>
<b>Public Acts of 1963 Chapter 188</b> .....	<b>8</b>
<b>Creation of Division VIII</b> .....	<b>9</b>
<b>Public Acts of 1963 Chapter 189</b> .....	<b>9</b>
<b>Criminal Court</b> .....	<b>10</b>
<b>Clerk - Disposal of Abandoned Property</b> .....	<b>10</b>
<b>Private Acts of 1959 Chapter 185</b> .....	<b>10</b>
<b>Public Acts of 1967 Chapter 162</b> .....	<b>11</b>
<b>Public Acts of 1970 Chapter 358</b> .....	<b>12</b>
<b>Public Acts of 1976 Chapter 544</b> .....	<b>13</b>
<b>Divorce Referee</b> .....	<b>14</b>
<b>Private Acts of 1973 Chapter 161</b> .....	<b>14</b>
<b>General Sessions Court</b> .....	<b>16</b>
<b>Creation</b> .....	<b>16</b>
<b>Private Acts of 1941 Chapter 123</b> .....	<b>16</b>
<b>Creation of Division V</b> .....	<b>19</b>
<b>Private Acts of 1965 Chapter 145</b> .....	<b>19</b>
<b>Creation of Division VI</b> .....	<b>20</b>
<b>Private Acts of 1967-68 Chapter 438</b> .....	<b>20</b>
<b>Creation of Divisions VII - XII</b> .....	<b>20</b>
<b>Public Acts of 1982 Chapter 772</b> .....	<b>20</b>
<b>Driver's License in Lieu of Bail</b> .....	<b>24</b>
<b>Private Acts of 1974</b> .....	<b>24</b>
<b>Environmental Court</b> .....	<b>25</b>
<b>Public Acts of 2003 Chapter 182</b> .....	<b>25</b>
<b>Tall Tree Youth Guidance School</b> .....	<b>25</b>
<b>Public Acts of 1965 Chapter 282</b> .....	<b>25</b>
<b>Juvenile Court</b> .....	<b>25</b>
<b>Creation</b> .....	<b>25</b>
<b>Private Acts of 1967-68 Chapter 219</b> .....	<b>26</b>
<b>Probate Court</b> .....	<b>29</b>
<b>Public Acts of 1870 Chapter 86</b> .....	<b>29</b>
<b>Fee Schedule</b> .....	<b>30</b>
<b>Private Acts of 1980 Chapter 250</b> .....	<b>30</b>
<b>Jurisdiction</b> .....	<b>32</b>
<b>Jurisdiction - Contempt</b> .....	<b>32</b>

Table of Contents

Private Acts of 1953 Chapter 447 .....	. 32
Jurisdiction - Encroachment on Estates .....	. 32
Private Acts of 1935 Chapter 182 .....	. 32
Jurisdiction - Estates of Minors .....	. 33
Private Acts of 1945 Chapter 175 .....	. 33
Jurisdiction - Sale of Realty .....	. 34
Private Acts of 1935 Chapter 407 .....	. 34
Jurisdiction - Workmen's Compensation .....	. 36
Private Acts of 1955 Chapter 199 .....	. 36
Division II .....	. 36
Private Acts of 1965 Chapter 213 .....	. 36
Public Defender .....	. 37
Private Acts of 1917 Chapter 69 .....	. 37
Court System - Historical Notes .....	. 38

## Chapter V - Court System

### Board of Jury Commissioners

#### Foreman of Grand Jury

### Private Acts of 1963 Chapter 152

**COMPILER'S NOTE:** This Act may be superseded by Tennessee Code Annotated Section 22-2-101.

**SECTION 1.** That the compensation of the Foreman of the Grand Jury for Shelby County, Tennessee, be and the same is hereby fixed at Forty Dollars (\$40.00) per day. No compensation shall be allowed except for those days which the Foreman actually service in the performance of his official duties when the Grand Jury is meeting in regular or special session.

As amended by: Private Acts of 1969, Chapter 87  
Private Acts of 1974, Chapter 303

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee. 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 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1963.

### Chancery Court

#### Clerk and Master

### Contracts with Banks

### Private Acts of 1935 Chapter 497

**SECTION 1.** That the Clerks and Masters of the Chancery Courts of all counties in Tennessee having a population of 300,000 or more, by the Federal Census of 1930, or any subsequent Federal Census, are hereby authorized and required to contract with a solvent Bank or solvent Banks situated in such counties for the payment of interest on the daily bank balances of such Clerks and Masters to such Officer; provided, however, that nothing in this Act shall be construed to in any way relieve or diminish the duty and present legal liability of such Officers of selecting a solvent Bank or Banks as the depository of and for all funds and monies coming into his possession; provided further, that the Chancellor or Chancellors of such Chancery Courts may by proper order for any cause or reason deemed sufficient, relieve such Clerks and Masters of the duty of contracting for such interest as is herein provided.

**SECTION 2.** That all the interest so received by such Clerks and Masters as provided for in Section 1 of this Act, shall be held and disbursed by said Officer under and in accordance with the terms and provisions of Sections 10725 to 10730, inclusive, Chapter 13, Title 12 of Part III of the Code of Tennessee of 1932, providing for compensation of Officers and the disbursement of excess fees, emoluments, etc. by Clerks and Masters and other public officials therein named.

**SECTION 3.** That all laws and parts of laws in conflict herewith are hereby repealed.

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

Passed: April 16, 1935.

### Reorganization

### Public Acts of 1957 Chapter 294

**COMPILER'S NOTE:** Although this is a public act, only section 1 can be found in the Tennessee Code

Annotated. Section 2 through 10 are of special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** That the Chancery Court of Shelby County be and is hereby divided into three parts, to be known and designated as "Part I", "Part II", and "Part III". Two terms of said Court in all parts shall be held annually beginning on the first Mondays in April and October, and said Court shall have such jurisdiction and powers as are now exercised by said Court. The procedure, rules of practice, and laws governing the said Court shall be the same as are now in force, except where expressly changed by this Act, and the Court shall be considered open for orders, at rules and for other like purposes, whenever any part of said Court has not finally adjourned for the term. Any part of said Court shall regulate its own session and sit upon its own adjournment.

**SECTION 2.** That the present Chancellors of Shelby County and their successors in office shall sit and hold court regularly in Part I and Part II; and an additional office of Chancellor of Shelby County is hereby created, which shall be filled by the appointee hereafter named until the election of a Chancellor to fill said office as hereinafter provided, and said Chancellor and his successors in office shall sit and hold court regularly in Part III; but if any time the business of any part of said Court shall have been concluded by the trial of all causes at issue and for hearing at that term, and there shall remain causes undisposed of in the other parts of said Court, then it shall be the duty of all Chancellors to sit in the trial of the causes undisposed of until the same shall have been determined; and in such cases such apportionment of such undisposed causes shall be made by said Chancellors between them, and in such a way and at such times as shall conduce to the most speedy determination thereof; but all decrees in said causes shall be entered on the minutes of the part of said Court in which said causes are pending, as in cases of special Chancellors.

**SECTION 3.** That as soon after the passage of this Act as may be practicable, Chancellors of said Courts shall apportion among the three parts thereof the causes now pending in such a manner as to expedite the trial of said causes, and the Rule Docket and hearing Docket shall each show the part to which each cause is assigned, and thereafter each cause shall be for trial and proceed only in the part to which they are assigned, and suits brought in said Court from and after the time this Act takes effect shall be assigned by the Clerk & Master to each part as the Chancellors may by rules of Court provide, and the part to which a suit shall be assigned shall be designated on the Rule Docket and other dockets of said Court, and causes shall be proceeded with in that part to which it is assigned, and process shall be returnable to the part of said Court in which the suit is pending.

As amended by: Public Acts of 1969, Chapter 147

**SECTION 4.** That the minutes of Part I, Part II and Part III of said Court shall be kept in separate books, but said minute book shall be numbered in regular sequence as heretofore, and the minutes of each part shall be signed by the Chancellor sitting regularly therein, except in the case of interchange regularly made.

**SECTION 5.** That the County Court of Shelby County shall furnish for the sittings of each part of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County, shall either in person or by deputy, attend upon the three parts of said Court when in session.

**SECTION 6.** That the reorganization made by this Act shall not affect the office, powers, duties, or responsibilities of the Clerk and Master of said Court, but said Clerk & Master shall hold his office with all the powers, duties and responsibilities now attached thereto during the term for which he was appointed and until his successor shall be appointed by the Chancellors of said Court and shall qualify. Said Clerk & Master shall, in person or by deputy, attend upon the three parts of said Court when in session.

**SECTION 7.** That the Governor shall appoint, on or before September 1, 1959, a person qualified under the law, to fill the office hereby created of Chancellor in Part III of said Court, who shall hold office until September 1, 1960, and until his successor is qualified. In the next regular election of county officers in the State to be held in August, 1960, a person qualified under the law shall be elected to hold said chancellorship until September 1, 1966, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1966, and from that election forward, a person qualified under the law shall be elected for the same term of office as are the other Chancellors in the State of Tennessee.

**SECTION 8.** That the Chancellor of Part III of said Court shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Chancellors in the State.

**SECTION 9.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 10.** That this Act take effect from and after September 1, 1959, the public welfare requiring it.

Passed: March 20, 1957.

# Circuit Court Organization

## Acts of 1905 Chapter 102

**COMPILER'S NOTE:** This act has been amended four times, increasing the divisions of the circuit court. Those amendatory acts are found in their entirety immediately following this act. The amendatory acts are included in this volume though they are "Public" rather than "Private" acts because they are of special effect and are not included in Tennessee Code Annotated.

**SECTION 1.** That the Circuit Court of Shelby County be, and is hereby, divided into four parts, to be known and designated as Divisions One, Two, Three, and Four of said Court. The terms of said Court in said four divisions shall be held, beginning on the third Mondays in January, March, May, September, and November of each year, as now required by law, and said Court shall have such civil jurisdiction and powers as are now exercised by Circuit Courts in this State. The procedure, rules of practice, and the laws governing said Court shall be the same as are now in force, except as they are changed by this Act, or as the rules of practice may hereafter be changed by said Court; and each division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, each division of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the present Judge of the Circuit Court of Shelby County, and his successors in office, shall sit and hold Court regularly in Division One; and the offices of three additional Circuit Judges of Shelby County are hereby created, which shall be filled by the appointees hereafter to be named until the election of Judges to fill said offices, as hereinafter provided, and said three Circuit Judges, to be so appointed or elected, and their successors in office, shall sit and hold Court regularly in Divisions Two, Three, and Four thereof.

**SECTION 3.** That the Governor, as soon after the passage of this Act as practicable, shall appoint persons qualified, under the law, to fill the offices hereby created of Circuit Judges in Divisions Two, Three, and Four of said Court, and shall designate which of said three persons shall hold Division Two and Division Three and Division Four thereof, all of whom shall hold office until their successors are elected and qualified. An election shall be held in said county, as required by law, on the first Thursday in August, 1906, for said three Judges, who shall hold said offices respectively as in the case of a vacancy, and shall hold office until the next regular election of judicial officers in the State, and until their successors are elected and qualified.

**SECTION 4.** That the three Judges herein provided for shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

**SECTION 5.** [Deleted by Private Acts of 1927, Chapter 131].

As amended by: Private Acts of 1913, Chapter 249  
Private Acts of 1925, Chapter 431

**SECTION 6.** That the minutes of Divisions One, Two, Three, and Four of said Court shall be kept in separate books, the same to be numbered in regular sequence, as heretofore. The minutes of each division shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

**SECTION 7.** That if at any time either of said Divisions One, Two, Three, or Four shall dispose of the cases assigned to such division, and either of the other divisions shall then have cases on its own docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to one of the other divisions of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the division to which they are assigned or transferred.

**SECTION 8.** That all cases now pending in the Second Circuit Court of Shelby County shall be assigned and transferred to Division Four of the Circuit Court, to be tried and determined, as herein provided. Hereafter all appeals to the Circuit Court of Shelby County and all cases taken to that Court by certiorari or other appellate proceedings shall be kept upon a separate docket. All cases brought in the Circuit Court and assigned to Divisions One, Two, Three, and Four shall be kept upon one docket.

As amended by: Private Acts of 1913, Chapter 249

**SECTION 9.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the sittings of said Courts separate rooms, but as near together as may be convenient, and the Sheriff of said county shall in person or by deputy attend upon each division of said Court when in session.

**SECTION 10.** That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties, and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon each division of said Court when in session.

**SECTION 11.** That all laws and parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 27, 1905.

## Creation of Division V

### Public Acts of 1955 Chapter 162

**SECTION 1.** That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to reorganize the Circuit Court of Shelby County," be, and is, hereby amended, to create a fifth division of the Circuit Court of Shelby County. The said Fifth Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Fifth Division shall be the same as are now and hereafter in force for the other division of the Circuit Court of Shelby County. The said Fifth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the Term, the said Fifth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the office of the Fifth additional Circuit Judge of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said Fifth Circuit Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in Division Five thereof.

**SECTION 3.** That the Governor shall appoint on or before September 1, 1955 a person qualified under the law, to fill the office hereby created of Circuit Judge in Division Five of said Court who shall hold office until September 1, 1956, and until his successor is qualified. At the next regular election of county officers in the State to be held in August 1956, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1958, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1958, and from that election forward, a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

**SECTION 4.** That the Judge of the Fifth Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

**SECTION 5.** That the Judges presiding in Divisions 1, 2, 3, 4 and 5 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the five divisions thereof, and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the five divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

**SECTION 6.** That the minutes of Division 5 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, and 4 of said Court are or may hereafter be kept. The minutes of Division 5 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

**SECTION 7.** That if at any time Division 5 of said Court shall dispose of the cases assigned to the Fifth Division, and any of the other divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 5 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Fifth Division, to which they are assigned or transferred.

**SECTION 8.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Fifth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Fifth Division of said Court when in session.

**SECTION 9.** That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and

responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 5 when in session.

**SECTION 10.** That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 8, 1955.

## Creation of Division VI

### Public Acts of 1957 Chapter 318

**SECTION 1.** That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create a sixth division of the Circuit Court of Shelby County. The said Sixth Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Sixth Division shall be the same as are now and hereafter in force for the other divisions of the Circuit Court of Shelby County. The said Sixth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Sixth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the office of the Sixth additional Circuit Judge of Shelby County is hereby created; and said office shall be filled at the regular election of County officers in the State to be held in August, 1958.

**SECTION 3.** That the Judge of the Sixth Division of the Circuit Court of Shelby County shall have the same qualifications, tenure and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

**SECTION 4.** That the Judges presiding in Divisions 1,2,3,4,5, and 6 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the six division thereof, and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the six divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

**SECTION 5.** That the minutes of Division 6 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, 4 and 5 of said Court are or may hereafter be kept. The minutes of Division 6 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

**SECTION 6.** That if at any time Division 6 of said Court shall dispose of the cases assigned to the Sixth Division, and any of the other Divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 6 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Sixth Division, to which they are assigned or transferred.

**SECTION 7.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Sixth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, as soon as same can be made available, and the Sheriff of said County shall, in person or by deputy, attend upon the Sixth Division of said Court when in Session.

**SECTION 8.** That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 6 when in Session.

**SECTION 9.** That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

**SECTION 10.** That this Act take effect from and after June 1, 1958, the public welfare requiring it.

Passed: March 20, 1957.

## Creation of Division VII

### Publica Acts of 1963 Chapter 188



**SECTION 1.** That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to Reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create a seventh division of the Circuit Court of Shelby County. The said Seventh Division shall have the same terms of court, the same civil jurisdiction and powers as are now exercised by the other divisions of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Seventh Division shall be the same as are or hereafter in force for the other division of the Circuit Court of Shelby County. The said Seventh Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Seventh Division of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the office of the Seventh additional Circuit Judge of Shelby County is hereby created which shall be filled by an appointee hereafter to be named until the election of a judge to fill said office, as hereinafter provided, and the said Seventh Circuit Judge to be so appointed or elected and his successor in office shall sit and hold Court regularly in Division VII thereof.

**SECTION 2-A.** That the Governor shall appoint on or before September 1, 1963, a person qualified under the law to fill the office hereby created of Circuit Judge of Division VII of said Court who shall hold office until September 1, 1964, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1964, a person qualified under the law shall be elected to hold said judgeship until September 1, 1966, and until his successor qualifies. Beginning with the regular election of County officers in the State to be held in August, 1966, and from that election forward a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

**SECTION 3.** That the Judge of the Seventh Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

**SECTION 4.** That the Judges presiding in Divisions 1,2,3,4,5,6 and 7 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the seven divisions thereof and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the seven divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

**SECTION 5.** That the minutes of Division 7 of said Court shall be kept in the same manner as the minutes of Divisions 1, 2, 3, 4, 5 and 6 of said Court are or may hereafter be kept. The minutes of Division 7 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

**SECTION 6.** That if at any time Division 7 of said Court shall dispose of the cases assigned to the Seventh Division, and any of the other divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 7 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Seventh Division, to which they are assigned or transferred.

**SECTION 7.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Seventh Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Seventh Division of said Court when in session.

**SECTION 8.** That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 7 when in session.

**SECTION 9.** That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

**SECTION 10.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1963.

## Creation of Division VIII

### Public Acts of 1963 Chapter 189

**SECTION 1.** That Chapter 102 of the Acts of 1905, being an Act entitled "An Act to Reorganize the Circuit Court of Shelby County," as amended, be, and is, hereby amended, to create an Eighth Division of the Circuit Court of Shelby County. The said Eighth Division shall have the same terms of court, the same civil

jurisdiction and powers as are now exercised by the other division of the Circuit Court of Shelby County. The procedure, rules of practice, and the laws governing said Eighth Division shall be the same as are or hereafter in force for the other divisions of the Circuit Court of Shelby County. The said Eighth Division of said Court shall be considered open for orders at all times. When it has not finally adjourned for the term, the said Eighth Division of said Court shall regulate its own sessions and sit upon its own adjournments.

**SECTION 2.** That the office of the Eighth additional Circuit Judge of Shelby County is hereby created; and the said office shall be filled by a person qualified under the law who shall be elected at the next regular election of County officers to be held in the State in August, 1964, and the person elected to fill the office shall take office September 1, 1964, and shall hold office until September 1, 1966, and until his successor qualifies. Beginning with the regular election of County officers in the State to be held in August 1966, and from that election forward a person qualified under the law shall be elected for the same term of office as are the other Circuit Judges in the State of Tennessee.

**SECTION 3.** That the Judge of the Eighth Division of the Circuit Court of Shelby County shall have the same qualifications and exercise the same powers and civil jurisdiction and receive the same compensation as other Circuit Judges in the State.

**SECTION 4.** That the Judges presiding in Divisions 1,2,3,4,5,6,7, and 8 of said Court shall formulate such rules and regulations as may be necessary to apportion the docket of said Circuit Court between the eight divisions thereof and the Clerk of the said Court will, under the rules so established, apportion and divide said docket between the eight divisions, assigning to each division, for trial and disposition, a proper proportion of the docket.

**SECTION 5.** That the minutes of Division 8 of said Court shall be kept in the same manner as the minutes of Divisions 1,2,3,4,5,6, and 7 of said Court are or may hereafter be kept. The minutes of Division 8 of said Court shall be signed by the Judge presiding therein, except in the case of interchange regularly made.

**SECTION 6.** That if any time Division 8 of said Court shall dispose of the cases assigned to the Eighth Division, and any of the other divisions shall then have cases on its docket undisposed of, then the Judge of the division so having cases or other business undisposed of shall assign to Division 8 of said Court a portion of the docket so undisposed of in his division, all of which business and cases when so assigned shall be tried and disposed of by the Eighth Division, to which they are assigned or transferred.

**SECTION 7.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Eighth Division of said Court, and shall also furnish for the sittings of said Court a separate and suitable court room, and the Sheriff of said County shall in person or by deputy attend upon the Eighth Division of said Court when in session.

**SECTION 8.** That this Act shall not affect the office, powers, duties, or compensation of the present Clerk of the Circuit Court and his successors in office, who shall hold said office, with all the powers, duties, and responsibilities now attached thereto, during the term for which he was elected and until his successors shall be elected and qualified. Said Clerk shall, either in person or by deputy, attend upon said Division 8 when in session.

**SECTION 9.** That Chapter 102 of the Acts of 1905 and presently existing amendments thereto remain in full force and effect as amended and enlarged by this Act.

**SECTION 10.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1963.

## Criminal Court

### Clerk - Disposal of Abandoned Property

#### Private Acts of 1959 Chapter 185

**SECTION 1.** That the Clerk of the Criminal Courts of Shelby County is hereby authorized to dispose of all abandoned, stolen and/or recovered property, other than as provided in Section 4 herein, which is in said Clerk's custody and possession by virtue of said property having been held as evidence or exhibits in a criminal prosecution. Such disposition shall not be made until a period of six months (6) has elapsed from final adjudication of the case.

**SECTION 2.** That prior to disposing of said property, the Clerk shall make a reasonable effort to locate the true owner of said property and notify such owner of the Clerk's possession of said property. The true owner, when located, shall claim said property within a reasonable time.

**SECTION 3.** That prior to disposing of said property under the provisions of this Act, the Clerk shall present to a Judge of one [sic] the Criminal Courts of Shelby County a list of all such property to be disposed of, together with an affidavit that he has made a reasonable search for the true owner thereof, and that said true owner cannot be located. The Clerk shall then procure from said Judge an appropriate order of the Court directing the manner in which such property is to be disposed of.

**SECTION 4.** That nothing in this Act shall be construed as repealing the provisions of any other Act now in effect which provides for the disposition of abandoned, stolen, recovered and/or contraband property; and provided further that no such property shall be returned to the owner, even if known, if the return of such property may be inimical to the public welfare.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within ninety days (90) after the sine die adjournment of the General Assembly of the State of Tennessee. 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 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1959.

## Public Acts of 1967 Chapter 162

**SECTION 1.** That the Criminal Court of Shelby County be and the same is hereby divided into five divisions, to be known and designated as Division 1, Division 2, Division 3, Division 4 and Division 5 of said Court.

**SECTION 2.** That the terms of said Court and of the five divisions thereof as herein provided shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, and general powers, and authority in all divisions of said Criminal Court of Shelby County shall be the same as are now in force. Each division of said Court shall regulated its own sessions and adjournment.

**SECTION 3.** That the present judges of the Criminal Court of Shelby County and their successors in office shall preside over Division 1, 2, 3, and 4 of said Court. The office of one additional Judge of the Criminal Court of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said fifth Criminal Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in division 5 thereof.

**SECTION 4.** That the Governor shall appoint on or before September 1, 1967, a person qualified under the law, to fill the office hereby created of Criminal Judge in Division 5 of said Court, who shall hold office until September 1, 1968, and until successor is qualified. In the next regular election of County Officers in the State to be held in August, 1968, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1968, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other Criminal Judges in the State of Tennessee.

**SECTION 5.** That the Judge of the Fifth Division of the Criminal Court of Shelby County shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Criminal Judges in the State.

**SECTION 6.** It shall be the duty of the judges presiding over the respective divisions of the criminal court to charge the grand jury and the grand jury shall report all bills of indictment or presentment to the respective judges according to the sequence set forth herein. The charging and reporting of the grand jury shall be rotated among criminal court divisions in the following manner:

At the term of the criminal court which immediately follows the effective date of this act, the grand jury shall be charged by and shall report presentments and indictments to the presiding judge of Division I of the criminal court; at the next term of court following charging and reporting to Division I, the grand jury shall be charged by and shall report to the presiding judge of Division II of the criminal court; at subsequent terms of court the grand jury shall be charged by and shall report to the next consecutively numbered division of the criminal court until all of the divisions are exhausted whereupon the charging and reporting duties shall devolve to the presiding judge of Division I and thereafter according to the sequence set forth herein. Upon the disqualification, abolition, absence or other disability rendering the performance of the duties set forth herein impossible by the judge of any division, the duties shall devolve to and be performed by the presiding judge of the next consecutively numbered division of the criminal court.

As amended by: Private Acts of 1978, Chapter 755.

**SECTION 7.** That this Act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected and until his successor shall be elected and qualified; provided, however, that the present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of Division 1, Division 2, Division 3, Division 4 and Division 5 of said Court, and shall perform all of the duties in and with respect to said Divisions 1, 2, 3, 4 and 5 of said Court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

**SECTION 8.** That the minutes of the five divisions of said Court shall be kept in separate books, the same to be numbered as heretofore. The minutes of each division shall be signed by the judge presiding therein, except in case of inter-change regularly made.

**SECTION 9.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the five divisions of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County shall, be in person or by deputy, attend upon each division of said Court when in session.

**SECTION 10.** That this Act shall not affect the office and duties or compensation of the present Clerk of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties and responsibilities, attached thereto, during the term for which he is elected, and until his successor shall be elected and qualified. Said Clerk shall, in person or by deputy, attend upon each division of said Court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1, 2, 3, 4 and 5," and the Clerk of said Court shall place all cases upon the respective dockets and set them for trial in each division of said Court.

**SECTION 11.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 12.** That this Act shall take effect from and after September 1, 1967, the public welfare requiring it.

Passed: May 1, 1967.

## Public Acts of 1970 Chapter 358

**COMPILER'S NOTE:** Although this is a public act, it is included in this volume because its provisions have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** That the Criminal Court of Shelby County be and the same is hereby divided into six Divisions, to be known and designated as Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 of said Court.

**SECTION 2.** That the terms of said Court and of the six Divisions thereof as herein provided shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, general powers, and authority in all Divisions of said Criminal Court of Shelby County shall be the same as are now in force. Each Division of said Court shall regulate its own sessions and adjournment.

**SECTION 3.** That the present Judges of the Criminal Court of Shelby County and their successors in office shall preside over Division 1,2,3,4, and 5 of said Court. The office of one additional Judge of the Criminal Court of Shelby County is hereby created, which shall be filled by the appointee hereafter to be named until the election of a Judge to fill said office, as hereinafter provided, and said sixth Criminal Judge, to be so appointed or elected, and his successor in office, shall sit and hold Court regularly in Division 6 thereof.

**SECTION 4.** In the next regular election of County Officers in the State to be held in August, 1970, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of county officers in the State to be held in August, 1974, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other Criminal Judges in the State of Tennessee.

**SECTION 5.** That the Judge of the Sixth Division of the Criminal Court of Shelby County shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as other Criminal Judges in the State.

**SECTION 6.** That it shall be the duty of the Judge presiding over Division 1 to charge the Grand Jury, but in his absence or disqualification, this may be done by the Judge presiding over Division 2, and if he also be absent or disqualified, then this may be done by the Judge presiding over Division 3, and if he also be

absent or disqualified, then this may be done by the Judge presiding over Division 4, and if he also be absent or disqualified then this may be done by the Judge presiding over Division 5, and if he also be absent or disqualified, then this may be done by the Judge presiding over Division 6, and the Grand Jury shall report all bills of indictment or presentment to the Judge of Division 1.

**SECTION 7.** That this Act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected, and until his successor shall be elected and qualified; provided, however, that the present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of Division 1, Division 2, Division 3, Division 4, Division 5, and Division 6 of said Court, and shall perform all of the duties in and with respect to said Divisions 1, 2, 3, 4, 5, and 6 of said Court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

**SECTION 8.** That the minutes of the six Divisions of said Court shall be kept in separate books, the same to be numbered as heretofore. The minutes of each Division shall be signed by the Judge presiding therein, except in case of inter-change regularly made.

**SECTION 9.** That the County Court of Shelby County shall furnish all books and necessary supplies for said Court, and shall also furnish for the six Divisions of said Court separate rooms, but as near together as may be convenient, and the Sheriff of said County shall, in person or by deputy, attend upon each division of said Court when in session.

**SECTION 10.** That this Act shall not affect the office and duties or compensation of the present Clerk of the Criminal Court of Shelby County and his successors in office, who shall hold said office with all the powers, duties and responsibilities, attached thereto, during the term for which he is elected, and until his successor shall be elected and qualified. Said Clerk shall, in person or by deputy, attend upon each Division of said Court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1,2,3,4,5, and 6," and the Clerk of said Court shall place all cases upon the respective dockets and set them for trial in each Division of said Court.

**SECTION 11.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 12.** That this Act shall take effect from and after passage, the public welfare requiring it.

Passed: February 3, 1970.

## Public Acts of 1976 Chapter 544

**COMPILER'S NOTE:** Only a portion of this act appears in the Tennessee Code Annotated. The entire act is reproduced here for the information and convenience of our readers.

**SECTION 1.** Tennessee Code Annotated, Section 16-229 [16-2-211(a)] is amended by deleting the section and substituting in lieu thereof the following: Criminal court for the fifteenth judicial circuit shall be held in Divisions I, II, III, IV, V, VI, VII, and VIII in Shelby County on the third Mondays in January, May and September.

**SECTION 2.** The terms of the court and of its eight divisions shall be held as heretofore, beginning on the third Mondays in January, May and September, and the procedure, rules, practice, general powers, and authority in all divisions of the Criminal Court of Shelby County shall be the same as are now in force. Each division of the court shall regulate its own sessions and adjournment.

Division VIII of the Criminal Court of Shelby County shall be funded with federal funds and no state funds shall be expended for the 1976-77 fiscal year or thereafter if sufficient federal funding is available to operate that court. No state funding shall be provided for any courts created under this act prior to July 1, 1976.

**SECTION 3.** The present judges of the Criminal Court of Shelby County and their successors in office shall preside over Divisions 1,2,3,4,5, and 6. Two additional judgeships are created which shall be filled by appointment of the governor. These judges shall hold office until the election of their successors as provided in Section 4. These additional judges, appointed or elected, and their successors in office, shall sit and hold court regularly in Divisions 7 and 8 respectively.

**SECTION 4.** The Governor shall appoint a qualified person to fill each office created by this act, such appointment to be effective until September 1, 1978, and until a successor to such office is elected and qualified. At the August 1978 general election, a person qualified under the law shall be elected to each new judgeship created herein, to assume office September 1, 1978, and to hold office until September 1, 1982, or until his successor is elected and qualified. Beginning with the regular election of judicial officers

in August 1982, and every eight (8) years thereafter a qualified person to succeed to each such judgeship shall be elected for a term of eight (8) years.

**SECTION 5.** The judges of the Seventh and Eighth Divisions of the Criminal Court of Shelby County shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other criminal judges in the state.

**SECTION 6.** It shall be the duty of the judge presiding over Division 1 to charge the Grand Jury, but in his absence or disqualification, this may be done by any division judge, proceeding subsequently through each division until a judge qualified to charge the jury is found. The Grand Jury shall report all bills of indictment or presentment to the Judge of Division 1.

**SECTION 7.** This act shall not affect the office, duties or compensation of the present Attorney General of the Criminal Court of Shelby County or his successors in office, who shall hold office with all the powers, duties, responsibilities and compensation attached thereto during the term for which he is elected, and until his successor shall be elected and qualified. The present Attorney General of the Criminal Court of Shelby County and his successors in office shall be the Attorney General of all eight divisions of the Criminal Court, and shall perform all of the duties with respect to the eight divisions of the court as are now required by law to be performed by him as Attorney General of the Criminal Court of Shelby County.

**SECTION 8.** The minutes of the eight divisions of the court shall be kept in separate books, the same to be numbered as the divisions. The minutes of each division shall be signed by the judge presiding therein, except in case of inter-changes regularly made.

**SECTION 9.** The County Court of Shelby County shall furnish all books and necessary supplies for the criminal court, and shall also furnish for the eight divisions of the court separate rooms, but as near together as may be convenient, and the sheriff of Shelby County shall, in person or by deputy, attend each division of the Criminal Court when in session.

**SECTION 10.** This act shall not affect the office, duties, or compensation of the present Clerk of the Criminal Court of Shelby County or his successors in office, who shall hold the office with all its powers, duties and responsibilities during the term for which he is elected, and until his successor shall be elected and qualified. The clerk shall, in person or by deputy, attend each division of the court when in session, and shall be known as the "Clerk of the Criminal Court of Shelby County, Divisions 1, 2, 3, 4, 5, 6, 7, and 8," and as clerk of this court shall place all cases upon the respective dockets and set them for trial in each division of the court.

**SECTION 11.** This act shall take effect September 1, 1976.

Passed: March 11, 1976.

## Divorce Referee

### Private Acts of 1973 Chapter 161

**SECTION 1.** There is hereby created the office of Divorce Referee for each County of this State having a population of 600,000 or over by the Federal Census of 1970 or any subsequent Federal Census.

**SECTION 2.** Any lawyer licensed to practice before the Supreme Court of Tennessee, residing and being a qualified voter in the County for which he is elected, shall be eligible to hold the office of Divorce Referee. During his term of office neither the Divorce Referee nor his Deputies hereinafter provided for, shall appear for either party in any divorce suit filed in his County.

**SECTION 3.** It shall be the duty of the Divorce Referee to enter his written appearance in every divorce case in his County, which has the effect of putting the case at issue, whereupon the case shall be transferred or placed on the trial docket for hearing in its regular order, along with all the other cases of every nature, in the same way and manner as if an answer had been filed by the defendant, controverting the grounds for a divorce averred in the petition or bill, and the said Referee shall appear upon the trial of every divorce case in his County, whether the suit is contested by the defendant or not; and it shall be the duty of the Divorce Referee to acknowledge service upon him of a copy of every bill for divorce which acknowledgment of service shall be endorsed by him upon the original bill before the same is filed in any Court in his County and no bill for divorce shall be filed unless it bears such acknowledgment over the signature of the Divorce Referee with the date of service; but nothing herein shall be construed as dispensing with the necessity of the service of proper process upon the defendant as is required by existing laws.

Immediately upon the commencement of a suit for divorce, it shall be the duty of a Divorce Referee to investigate the charges made in the bill and he shall be prepared to advise the Court upon the hearing, as

to the merits of the case. The Divorce Referee shall have the authority to designate other individuals to accept service of process in the Divorce Referee's name.

As amended by: Private Acts of 2005, Chapter 37

**SECTION 4.** The Divorce Referee shall have power to cause witnesses, including the parties to the suit, to be subpoenaed to testify, respecting any charges made in the bill or the answer or upon any matter touching the material status of the parties, the performance or neglect, of any duty by either, to the end that justice may be done the parties and that society may be protected and the sanctity of the marriage relation preserved; and the Divorce Referee shall have the power and authority, upon the trial of the suit, to examine all witnesses; and is authorized and empowered, in his discretion, to perfect an appeal, appeal in the nature of a writ of error, or a writ or error from decree of any lower Court in a divorce case where, in the opinion of the Divorce Referee, the General Welfare justifies and warrants his taking such appeals; and if the Divorce Referee should elect to perfect such an appeal, appeal in the nature of a writ of error, or writ of error, he may do so without being required to furnish an appeal bond.

**SECTION 5.** A Divorce Referee shall be elected by the County Court of each such County in this State, at the first regular term after the passage of this Act, and every four years thereafter. Before electing a Divorce Referee, the County Court of each County wherein such office is filled shall give each Judge in whose Court the Divorce Referee or any Deputy Divorce Referee may serve the privilege of making either an oral or a written statement expressing his views as to the ability and efficiency of any person who is a candidate for the office. The Divorce Referee elected shall serve for a term of four years from the date of his election and until his successor is elected. In the event of a vacancy in the office of Divorce Referee, the County Court at its next regular term shall fill the vacancy for the unexpired term of the office by the same procedure as the appointment of the original referee, and until such vacancy is filled, the Deputy Divorce Referee, hereinafter provided for, shall act as Divorce Referee.

**SECTION 6.** The County Court shall fix the compensation of the Divorce Referees and said compensation shall be payable in twelve monthly installments of equal amounts. A fee not to exceed Thirty Dollars (\$30.00), to be established by the County Court of each County wherein the office of Divorce Referee exists under the provisions of this Act, shall be collected by the Divorce Referee in each divorce filed in this County, which sum shall be taxed as part of the costs in each suit in addition to costs now provided by law; but each fee so collected shall be advanced in cash and paid to the Divorce Referee by the Complainant or Petitioner upon presentation of the bill or petition for divorce to the Divorce Referee for acknowledgment of service upon him, and no bill or petition for divorce shall be filed by any clerk of any Court to which same is presented for filing unless the receipt of the Divorce Referee for said fee is noted thereon in addition to his acknowledgment of service upon him of a copy of such bill or petition. All fees received by the Divorce Referee or his Deputy Divorce Referees shall be paid to the Trustee of the County and shall become a part of the general fund of said County.

As amended by: Private Acts of 1974, Chapter 362  
Private Acts of 1983, Chapter 109

**SECTION 7.** Each Divorce Referee shall have the power and authority to appoint Deputy Divorce Referees who shall have the power and authority to acknowledge service in the name of the Divorce Referee, by each of them as Deputy Divorce Referee of all bills for divorce, and in case of the absence from the County, or the disability, or at the request of the Divorce Referee, each of them shall have and exercise all the rights, powers and duties of such Divorce Referee. The Deputy Divorce Referees shall hold office at the will and pleasure of the Divorce Referee and their compensation shall be fixed and paid by the County Court and paid in twelve monthly installments of equal amounts from the general fund of said County. The County Court shall provide the Divorce Referee with an office, secretary, telephone, all necessary supplies and expenses to run the said office in the County Courthouse which shall be maintained during usual hours of business by the Divorce Referee or the Deputy Divorce Referee.

**SECTION 8.** The Divorce Referee shall be made a party defendant to all motions to amend a Complaint for Divorce to show a reconciliation of the parties, where there has been no order obtained pursuant to T.C.A. 36-836; and no such amendment shall be allowed except by leave of Court and notice of such motion to the Divorce Referee.

**SECTION 9.** The Divorce Referee and each Deputy Divorce Referee, by appointment of each Circuit Judge and each Chancellor, shall have the power and the authority as Special Masters or Referees to hear all motions pendente lite in divorce cases filed in his County; and his order thereon, before it can be enforced, shall be approved by the Judge or Chancellor. The appeal from such order shall be by motion. Nothing herein, however, shall prevent the moving party from having his motion heard by the Judge or Chancellor. A fee of ten dollars (\$10.00) shall be collected by the Divorce Referee in each motion pendente lite in divorce cases filed in his county, and in each petition modify pervious orders or decrees referred to him; and a fee of one dollar (\$1.00) shall be collected by him for each continuance of such motion or petition, which fees shall be taxed as part of the costs in each suit in addition to the costs now

provided by law; and each fee shall be taxed as court cost and paid with the other court costs as directed by the court.

As amended by: Private Acts of 1977, Chapter 123

**SECTION 10.** If any provisions 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 provisions or application, and to that end the provisions of this act are declared to be severable.

**SECTION 11.** All laws and parts of laws in conflict with the provisions of this Act, but only in so far as the same do conflict with the provisions of this Act; be and the same are hereby repealed.

**SECTION 12.** This Act shall have no effect unless approved by two-thirds vote of the Quarterly County Court of any County to which this Act may apply not more than 120 days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

Passed: May 3, 1973.

## General Sessions Court

### Creation

### Private Acts of 1941 Chapter 123

**SECTION 1.** That there is hereby created and established a court in and for Shelby County, Tennessee, which shall be divided into four (4) divisions; one of which shall be designated Court of General Sessions, Division I, of Shelby County, Tennessee; another, Court of General Sessions, Division II, of Shelby County, Tennessee; another, Court of General Sessions, Division III, of Shelby County, Tennessee; and the other, Court of General Sessions, Division IV, of Shelby County, Tennessee. Said Court shall be opened and commence its sessions on September 1, 1942. The Court shall be held in Memphis, and Shelby County shall provide adequate facilities, and the Clerk shall provide dockets, furnishings and necessary supplies for the equipment and maintenance of said Court and pay for same out of the fees of his office.

As amended by: Private Acts of 1945, Chapter 423  
Private Acts of 1955, Chapter 168

**COMPILER'S NOTE:** Private Acts of 1965, Chapter 145, which created Division V of the general sessions court of Shelby County, and Private Acts of 1967-68, Chapter 438, which created Division VI of that court are found in their entirety in this volume, immediately following this act

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be coextensive with Shelby County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Shelby County are hereby as of September 1, 1942, divested of all such jurisdiction, powers 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.

The court shall have the jurisdiction to punish for contempt of the said court by a fine not to exceed twenty-five dollars (\$25) or by imprisonment not to exceed five (5) days for any one (1) separate and distinct offense of contempt by any one (1) offender, or by both such fine and imprisonment.

As amended by: Private Acts of 1976, Chapter 283

**SECTION 3.** That before the issuance of any original process in a civil case, the plaintiff shall execute a cost bond with security deemed by the Clerk to be good, in the sum of Twentyfive Dollars (\$25.00), or in lieu thereof, make a cash deposit with the Clerk of not less than Two Dollars Fifty Cents (\$2.50), or more than Twenty-five Dollars (\$25.00), to secure the costs, or take the oath prescribed for poor persons, and, on motion, the Court may increase or decrease the security; and provided further that the Court may establish a scale of deposits in the various forms of actions.

**SECTION 4.** That the laws now regulating pleading and practice, stay of appeals from judgments, attachments and all other writs and processes in civil cases in the courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the judges of said Court, provided, however, that all cases shall be set in said Court of General Sessions for an hour certain, and the practice heretofore prevailing of allowing one hour for the parties to appear in Courts of Justices of the Peace shall not apply in said Court of



General Sessions.

As amended by: Private Acts of 1943, Chapter 25

**SECTION 5.** That the judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 6.** 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, and all other officers, for the execution of writs and processes of said Court and fees for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the courts of Justices of the Peace.

The fees and compensation due for services rendered by the Court shall be the same as for Justices of the Peace, and shall be paid to the Clerk, who shall collect all costs, fees and mileage of witnesses, the fees, commissions and emoluments of the sheriff and all other officers, for services to said Court, and the fines and forfeitures assessed, and said Clerk shall handle, account for, and disburse all sums coming into his hands in the manner provided by law for Civil and Criminal Court Clerks.

**SECTION 7.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant or process. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross-index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who receives the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on the proper docket.

**SECTION 8.** That there shall be one (1) judge for each division of said Court with the same qualifications as provided by the constitution of the State of Tennessee for inferior courts; such judges shall take the same oath as that prescribed for Circuit Judges and Chancellors, and be elected and hold office as hereinafter provided.

**SECTION 9.** That the compensation of each of said judges shall be Twenty-Three Thousand Five Hundred Dollars (\$23,500.00) per annum, payable in equal monthly or semimonthly installments. It shall be paid out of the ordinary funds of the County and shall not be increased or diminished during the term for which said Judges are elected. Said Judges shall devote their entire time to the duties of their office.

As amended by:  
Private Acts of 1949, Chapter 235  
Private Acts of 1953, Chapter 308  
Private Acts of 1957, Chapter 300  
Private Acts of 1965, Chapter 199  
Private Acts of 1972, Chapter 213

**SECTION 10.** That the judges of the Court of General Sessions shall be elected at the General Election on the first Thursday of August, 1942, for a term of eight (8) years from the first day of September, 1942, and a subsequent General Elections every eight (8) years thereafter. They shall hold office for the term for which they are elected or until their successors are elected and qualified.

Provided, that if the business of the Court shall warrant, or the necessity arise, one or more divisions of the Court may be abolished or one or more divisions added at any regular or special session of the General Assembly of the State of Tennessee.

Any person who shall become a candidate for election as a judge of said Court of General Sessions at the General Election in August, 1942, or thereafter, shall designate to the Board of Election Commissioners of Shelby County the Division of the Court to which he seeks to be elected, and the candidate who shall receive the highest number of votes cast for Judge of that Division of the Court shall be declared the judge thereof.

**SECTION 11.** That if the judge of a division of said court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, and if the judge of any other division cannot sit by interchange, then a majority of the attorneys present in such court may elect one of their number, who has the qualifications of such a judge, and when elected shall have the same authority as a regular judge to hold the court for the occasion. Elections shall be held in accordance with the law governing the

elections of other judges. The clerk of said court shall preside at said elections of such special judges. Such special judges shall not be entitled to compensation for their services.

**SECTION 12.** That the judges of the four divisions of said court may interchange with each other, and may by rule provide for the transfer of cases from one division to another. The Governor shall have the same power to appoint some qualified person to fill vacancies among the judges of the General Sessions Court as he has for other judges.

**SECTION 13.** The office of Clerk of the Court of General Sessions of Shelby County is hereby created. The salary of said clerk shall be the same as that of the Clerk of the Circuit Court of Shelby County, payable in equal monthly installments. Vance Griffin, a citizen of Shelby County is hereby designated and appointed as Clerk of said Court of General Sessions, to serve from and after the first day of the month following the enactment hereof, at and after which time the Clerk of the Circuit Court of Shelby County shall no longer act as Clerk of the said Court of General Sessions.

The said Vance Griffin shall serve as such Clerk until the next general election held pursuant to law and until his successor is duly elected and qualified. At such election a Clerk of said Court of General Sessions shall be elected to serve until the general election to be held on the first Thursday in August, 1960, at which time and every four years thereafter a Clerk of said Court of General Sessions shall be elected for a term of 4 years. Such Deputy Clerks and assistants to the Clerk as may be necessary for the proper operation and administration of the duties of said office of Clerk of the Court of General Sessions shall be appointed and their compensation fixed in the same manner as is now provided by law for the appointment and the fixing of compensation of Deputy Circuit Court Clerks upon petition by the Clerk to a Judge of the Circuit Court.

The Clerk of said court and his Deputies assigned thereto shall have concurrent authority with the Judges to issue warrants and other process and writ except those which are required by law to be issued only upon the fiat of a judicial officer.

Whenever any person is charged with the violation of any of the laws of the State of Tennessee, he may in lieu of an appearance bond, deposit such sum, prescribed by the Judges or Court, with the Clerk of the Court of General Sessions of Shelby County, or, in his absence with the Sheriff of Shelby County, or any Deputy Sheriff on watch, and on the appearance of such person before the Judge of the Court of General Sessions handling the criminal docket at the time prescribed by law, such deposit shall be returned to him, on the failure of such person to appear at the time specified, the amount so deposited shall be forfeited, either to the State of Tennessee, or to the County of Shelby, as the case may be, and he shall not be entitled to the return of any part thereof, and no scire facias or other process, need be issued to make such forfeiture final; provided, however, that within two days of the declaration of the forfeiture the Judge of the Court of General Sessions handling such criminal docket shall have power to set such forfeiture aside, when it shall be made to appear, that the failure of the accused to appear, and defend his suit, was due to no fault, or negligence, of the accused. After the expiration of two days; the declaration of forfeiture shall be final, as hereinbefore provided for.

As amended by:  
Private Acts of 1957, Chapter 113  
Private Acts of 1957, Chapter 299  
Private Acts of 1965, Chapter 195  
Private Acts of 1967-68, Chapter 101

**SECTION 14.** That the Sheriff of Shelby County shall provide necessary deputies to handle the business of the General Sessions Court, who shall receive such compensation as now provided by law.

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 15.** That this Act shall in no wise impair the right, title of interest of any Justice of the Peace of Shelby County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit on August 31, 1942.

**SECTION 16.** That on September 1, 1942, the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be distributed among the divisions of the Court.

**SECTION 17.** That said Court shall have authority to hear and determine all cases pending in the courts of Justices of the Peace of Shelby County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions and other final process on judgments rendered by Justices of the Peace.

**SECTION 18.** The Clerk of the Court of General Sessions shall collect, deposit and account for all fees

accruing from the operation of said Court. The said Clerk shall make an official bond in accordance with the law now or hereafter applicable to the bond of the Circuit Court Clerk, which law is hereby made applicable to the Clerk of the Court of General Sessions. The said Clerk shall take the same oath as is required by law to be taken by the Circuit Court Clerk.

From the fees received by said Clerk he shall first pay the salaries of his deputies and assistants and the costs of the necessary dockets, printing, stationery and general expenses of his office, and shall pay the balance of fees so collected over to the County Trustee for the account of the Chairman of the County Court, out of which said Chairman shall pay the salaries of the Judges of the Court of General Sessions if there be sufficient funds. Said Clerk shall account for all money coming into his hands as is required of Clerks of Courts under the provisions of Section 8-2204 of the Tennessee Code Annotated, and if any funds remain out of said fees after payment of the Judges as required in this section, the same shall become general County revenue.

As amended by: Private Acts of 1943, Chapter 25  
Private Acts of 1957, Chapter 113

**SECTION 19.** That the Legislature expressly declares that each section of this Act is severable, and 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 portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: January 29, 1941.

## Creation of Division V

### Private Acts of 1965 Chapter 145

**SECTION 1.** That Chapter 123 of the Private Acts of 1941, the caption of which is set forth above, as amended, be and the same is hereby amended to created a Fifth Division of the General Sessions Court of Shelby County, Tennessee. The said Fifth Division shall have the same terms of Court, the same jurisdiction and powers as are now exercised by the other Divisions of the General Sessions Court of Shelby County, Tennessee.

**SECTION 2.** That the office of the Fifth General Sessions Court judge is hereby created which shall be filled by an appointee hereafter to be named until the election of the judge to fill such office as hereinafter provided, and said Fifth General Sessions Court judge to be so appointed or selected and his successors in office shall sit and hold court regularly in Division V thereof.

**SECTION 3.** That the Governor shall on or before September 1, 1965, appoint a person qualified under the law to fill the office hereby created of General Sessions Court Judge of Division V, who shall hold the office until September 1, 1966, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1966, a person qualified under the law shall be elected for a term of eight years from September 1, 1966, and until his successor is elected and qualifies. At each succeeding judicial election thereafter a judge for Division V shall be elected for eight year terms.

**SECTION 4.** That the judge of the Fifth Division of the General Sessions Court of Shelby County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as do the other General Sessions Court judges of Shelby County, Tennessee.

**SECTION 5.** That all rules and regulations necessary for the administration of the four divisions of General Sessions Court shall be enlarged to include Division V and the minutes of Division V shall be kept in the same manner as the minutes of the other Divisions and signed by the judge presiding therein.

**SECTION 6.** That the County Court of Shelby County, Tennessee shall furnish the necessary supplies for said Division and shall furnish a suitable and separate Court Room and the Sheriff of the County shall in person or by Deputy attend the Fifth Division when it is in session.

**SECTION 7.** That the office, powers and duties and responsibilities of the Clerk of the General Sessions Court shall be enlarged to include the work of Division V and the Clerk or his Deputy shall attend Division V when it is in session.

**SECTION 8.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County, within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. The approval or non-approval of this Act by said Quarterly County Court shall be certified by the Chairman of the Quarterly Court to the

Secretary of State.

**SECTION 9.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 17, 1965.

## Creation of Division VI

### Private Acts of 1967-68 Chapter 438

**SECTION 1.** That Chapter 123 of the Private Acts of 1941, the caption of which is set forth above, and all Acts amendatory thereof and supplementary thereto be, and the same are hereby amended to create a Sixth Division of the General Sessions Court of Shelby County, Tennessee. The said Sixth Division shall have the same terms of Court, the same jurisdiction and powers as are now exercised by the other Divisions of the General Sessions Court of Shelby County, Tennessee.

**SECTION 2.** That the office of the Sixth General Sessions Court Judge is hereby created which shall be filled by election as hereinafter provided, and said Sixth General Sessions Court Judge to be so elected and his successors in office shall sit and hold Court regularly in Division VI thereof.

**SECTION 3.** That in the next regular election of County Officer in the State to be held in August, 1968, a person qualified under the law shall be elected to hold said Judgeship until September 1, 1974, and until his successor is qualified. Beginning with the regular election of County Officers in the State to be held in August, 1974, and from that election forward, a person qualified under the law shall be elected for the same term of office as are other General Sessions Judges of Shelby County, Tennessee.

**SECTION 4.** That the Judge of the Sixth Division of the General Sessions Court of Shelby County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as do the other General Sessions Court Judges of Shelby County, Tennessee.

**SECTION 5.** That all rules and regulations necessary for the administration of the five divisions of General Sessions Court shall be enlarged to include Division VI, and the minutes of Division VI shall be kept in the same manner as the minutes of the other Divisions and signed by the Judge presiding therein.

**SECTION 6.** That the County Court of Shelby County, Tennessee, shall furnish the necessary supplies for said Division and shall furnish a suitable and separate Courtroom and the Sheriff of the County shall in person or by Deputy attend the Sixth Division when it is in session.

**SECTION 7.** That the office, powers and duties and responsibilities of the Clerk of the General Sessions Court shall be enlarged to include the work of Division VI, and the Clerk or his Deputy shall attend Division VI when it is in session.

**SECTION 8.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 9.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1968.

## Creation of Divisions VII - XII

### Public Acts of 1982 Chapter 772

**SECTION 1.** This act is local in effect and becomes effective in a particular county upon approval by a two-thirds vote of the County Board of Commissioners or other legislative body of any county approving this act.

**SECTION 2.** Effective September 1, 1982 there is hereby created and established six (6) additional divisions to the General Sessions Court of any county to which this act applies to be designated as Division VII, Division VIII, Division IX, Division X, Division XI, and Division XII, respectively. Such divisions shall hold court in the county seat and the county shall defray the expenses thereof from the general fund of such county.

There is created an additional division to the general sessions court of any county to which this act applies. The additional division shall have the same terms of court, the jurisdiction and powers as are now exercised by General Sessions Court of Shelby County, and in addition shall have the exclusive jurisdiction

to hear and decide cases involving alleged violations of county ordinances, including alleged violations of environmental ordinances. The court shall hereinafter be referred to as the county's environmental court. The additional division shall hold court in the county seat and the county shall defray the expenses thereof from the county general fund.

The office, powers, duties and responsibilities of the clerk of the general sessions court shall be enlarged to include the work of the additional division, and the clerk, or his designee, shall attend the additional division when it is in session.

The District Attorney General of the 30th Judicial Circuit is hereby granted the power and authority to appoint a sufficient number of assistants to serve at the will and pleasure of such district attorney general in order to serve the additional division of the general sessions court of the county. Compensation of such assistants shall be determined by the mayor of the county with the approval of the county board of commissioners. Compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the county board of commissioners. There is created an additional division to the General Sessions Court of any county to which this act applies. The additional division shall have the same terms of court, the jurisdiction and powers as are now exercised by the General Sessions Court of Shelby County.

The additional division shall hold court in the county seat and the county shall defray the expenses thereof from the county general fund.

The General Sessions Criminal Court judges shall, by majority vote, designate one (1) division of the court as a drug court for the primary purpose of monitoring treatment of drug and alcohol abusers. Any misdemeanors involving illegal possession of drugs or drug paraphernalia may be assigned to the designated drug court along with related misdemeanors involving the same defendant. Those defendants charged with felony drug offenses shall have their General Sessions Court appearances in the designated drug court.

On recommendation of the District Attorney General, any defendant charged with any such misdemeanor that does not involve violence or physical injury to a victim or victims may be referred for evaluation and assessment of drug and alcohol abuse. If the evaluation indicates drug or alcohol abuse and defendant is assessed to be a good candidate for treatment for drug and alcohol abuse, the judge of the designated drug court may assign the defendant to a treatment program.

Drug or alcohol abuse is defined as use of a controlled substance, alcohol or drug with addictive potential to the extent that the user has lost the ability of self-control or to the extent that the health, safety or welfare of the user or that of others is substantially impaired or endangered.

The office, powers, duties, and responsibilities of the clerk of the General Sessions Court shall be enlarged to include the work of the additional division, and the clerk, or his designee, shall attend the additional division when it is in session.

The District Attorney General shall appoint three (3) assistants to serve the additional division of the General Sessions Court and the cost of such positions shall be paid solely from local funds. No state funds shall be expended to fund such positions or related expenses. Such assistants shall serve at the pleasure of the District Attorney General. There shall be no increase in the amount of the state grant for public defenders to implement the provisions of this act.

Compensation of such assistants shall be determined by the mayor of the county with the approval of the County Board of Commissioners. Compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the County Board of Commissioners.

As amended by:  
Public Acts of 1991, Chapter 426  
Public Acts of 1999, Chapter 365

**SECTION 3.** (a) The General Sessions Court divisions created by this act shall be criminal divisions and shall have the same jurisdiction, powers and authority exercised by the present divisions of the County General Sessions Court in criminal cases. Such jurisdiction, powers and authority shall vest in such additional divisions on September 1, 1982.

(b) The presiding or senior judge of the Criminal Courts in any county to which this act applies, shall, whenever the criminal caseload in such county warrants, or whenever a majority of the judges hearing criminal cases in such county petitions him to do so, designate division of the General Sessions Court hearing civil cases to hear criminal cases until the caseload is sufficiently reduced.

(c) The Executive Secretary of the Tennessee Supreme Court shall, upon the request of the County Commission of any county to which this act applies, temporarily assign one (1) or more General Sessions Court Judge assigned to the criminal division to sit as Judge of a Special Division of the Criminal Court of any county to which this act applies. When so sitting as Judge of a Special Division of Criminal Court, such

judge shall have the same jurisdiction, powers, and authority as a Criminal Court Judge in such county.

**SECTION 4.** For the effectual exercise of its power, the General Sessions Court is vested with the same power to punish for contempt as possessed by the Circuit Courts of the State of Tennessee.

**SECTION 5.** The right of appeal from the judgment of such court shall be the same as provided by law for persons aggrieved by the judgment rendered in a criminal action by a Court of General Sessions.

**SECTION 6.** The judges of all divisions of such court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. In all matters the costs and fees of the additional divisions of the General Sessions Court shall be the same as is currently provided for the General Sessions Court in such county.

The fees and other compensation of the sheriff, his deputies, game wardens, and state highway patrolmen for the execution of writs and process and the attendance and mileage of witnesses shall be the same in such court as those provided by law for the Courts of General Sessions.

The fees and compensation due for services rendered by the General Sessions Court shall be paid to the clerk of such court and by him accounted for as hereinafter provided. Such costs, fees, and a mileage of witnesses, the fees, commissions and emoluments of the sheriff, his deputies, game wardens, state highway patrolmen and other officers for services to the court, the fines, and forfeitures adjudged by the court, and all other funds coming into the hands of the clerk, shall be handled, accounted for, and disbursed by the clerk in the manner provided by law for clerks of courts of general sessions.

**SECTION 7.** There shall be kept a criminal docket in which there shall be entered the disposition of all cases disposed of by the General Sessions Court, which docket shall show the date of disposition, the case number, the name of the defendant, the charge against him, and the disposition of the case.

**SECTION 8.** Effective September 1, 1982 the offices of General Sessions Court Judge of Division VII, VIII, IX, X, XI and XII, respectively, are created. For the purpose of qualifying and running for election to such offices at the August 1982 general election, such offices are created upon approval of this act by the county legislative body of any county to which it applies.

There shall be one (1) judge for each division of the General Sessions Court with the same qualifications and term of office as provided by the Constitution of Tennessee for judges of inferior courts.

The office of general sessions judge of the additional division is created. The first judge of the additional division of the general sessions court of any county to which this act applies shall be elected by the board of commissioners of the county. In the regular August 1992 election some person, qualified by law, shall be elected judge of the additional division, shall take office on September 1, 1992, and shall hold office until September 1, 1998. At the regular August election in 1998 some person, qualified by law, shall be elected judge of additional division for a full term of eight (8) years and thereafter the office shall be filled at the same time, for the same term, and in the same manner as the other divisions of the general sessions court of the county. The judge of such additional division shall exercise all of the powers and receive the same compensation as do the other general sessions judges of the county. In addition to other powers granted herein, the judge of the additional division is hereby granted the power to issue injunctions, both mandatory and prohibitory, such power to be exercised as provided for in Rule 65 of the Tennessee Rules of Civil Procedure and is hereby empowered to order any defendant found guilty of violating any ordinance relating to health, housing, fire, land subdivision, building or zoning to correct such violation at the defendant's own expense. The judge of the additional division shall devote all of this working time to the duties of his office and shall not engage in the practice of law during the tenure of his office. In all cases involving the alleged violation of any ordinance relating to health, housing, fire, land subdivision, building or zoning, the judge of the additional division shall have the power to appoint masters in aid of the Court. The appointment, powers and duties of such master shall be as set forth in Rule 53 of the Tennessee Rules of Civil Procedure.

The judge of the additional division shall have the power to punish any person for contempt who, having been ordered to correct a violation of any county ordinance relating to health, housing, fire, land subdivision, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding five (5) days for each such violation.

Notwithstanding any provision of law to the contrary, the judge of such additional division of the county general sessions court shall have the jurisdiction to try and dispose of violations of municipal ordinances pursuant to the terms of an intergovernmental agreement between the city government and the county government; provided, that a certified copy of all ordinances of the city to be enforced pursuant to such intergovernmental agreement shall have been filed with the judge of the division. The judge shall direct the clerk of the general sessions court that all fines collected pursuant to judgments rendered in cases of city ordinance violations shall be paid over to the city and all court costs provisions of Tennessee Code

Annotated, Section 16-15-703(d), to help administer the cost of enforcement, provided that reasonable costs have been set by ordinance of the city.

When court convenes each morning, the prosecuting attorney shall announce to the court the cases in which the defendant wishes to enter a guilty plea. The cases of all defendants who wish to enter a guilty plea, whether pursuant to a plea agreement or otherwise, shall be immediately transferred to the two (2) divisions reserved to accept guilty pleas on that day. All other cases shall remain in their respective assigned divisions for disposition unless transferred for trial to another available division of court.

When court convenes each morning, the prosecuting attorney shall announce to the court the cases in which the defendant wishes to enter a guilty plea. The cases of all defendants who wish to enter a guilty plea, whether pursuant to a plea agreement or otherwise, shall be immediately transferred to the two (2) divisions reserved to accept guilty pleas on that day. All other cases shall remain in their respective assigned divisions for disposition unless transferred for trial to another available division of court.

If any division assigned to accept guilty pleas completes the disposition of all such cases transferred to it, such division shall then commence to accept and hear contested cases from the other divisions.

In addition to the qualifications prescribed above, all such judges of the General Sessions Court shall be learned in the law, which shall be evidenced by the judge being licensed to practice law in the courts of Tennessee.

The oath of office shall be the same as that prescribed for circuit judges and chancellors and shall be taken and filed in the same manner and with the same officers as prescribed for circuit judges and chancellors.

Each judge of the General Sessions Court shall devote all of his working time to the duties of his office and shall not engage in the practice of law during his tenure of office.

The office of General Sessions Judge of the additional division is created. The first judge of the additional division of the General Sessions Court of any county to which this act applies shall be elected by the Board of Commissioners of the county. At the regular August election in 2000, some person, qualified by law, shall be elected judge of the additional division, shall take office on September 1, 2000, and shall hold office until September 1, 2006. Notwithstanding the provisions of any law to the contrary, the person elected by the board of commissioners of the county to serve as interim judge of such additional division shall be ineligible to seek election to the office of general sessions judge of such additional division at the regular August election in 2000. At the regular August election in 2006, some person, qualified by law, shall be elected judge of the additional division for a full term of eight (8) years and thereafter the office shall be filled at the same time, for the same term, and in the same manner as the other divisions of the General Sessions Court of the county. The judge of such additional division shall exercise all of the powers and receive the same compensation as do the other General Sessions Judges of the county. The judge of the additional division shall devote all of his working time to the duties of his office and shall not engage in the practice of law during the tenure of his office.

As amended by:  
Public Acts of 1983, Chapter 34  
Public Acts of 1983, Chapter 120  
Public Acts of 1991, Chapter 426  
Public Acts of 1999, Chapter 365.

**SECTION 9.** The compensation of such judges shall be the same as that provided by law for judges of the Courts of General Sessions of any county having a metropolitan form of government and shall be paid in equal monthly installments out of the general fund of the county.

**SECTION 10.** (a) If the judge of any division of such court fails to attend, cannot preside at any pending case or for any reason hold court, a majority of the lawyers present in such court may elect one of their number who has the qualifications of such a judge and when elected shall take the same oath and have the same authority to hold the court for the occasion as a regular judge.

(b) Where the judge finds it necessary to be absent from holding court, he may designate in writing, to be filed with the clerk of the court, the name of a special judge to hold court in his place and stead. Such special judge shall be a person who has the qualifications of a regular judge and shall take the same oath and have the same authority to hold office for the occasion as a regular judge. If the judge fails to make such a designation, subsection (a) of this section shall become operative.

**SECTION 11.** The judges of the divisions of such court may interchange with each other, and may by rule provide for the transfer of cases from one division to another. Any General Sessions Judge assigned to hear criminal cases may, during the term of such assignment and by agreement of the respective judges, sit by interchange with any criminal court judge of the counties to which this act applies.

**SECTION 12.** The county shall furnish the necessary supplies for the General Sessions Court and shall

furnish each division of such court with a suitable and separate courtroom. The sheriff of the county shall in person or by deputies attend all divisions of the General Sessions Court.

**SECTION 13.** Such deputy clerks and assistants to the clerk as may be necessary for the proper operation and administration of the duties of the office of clerk of the General Sessions Court shall be appointed and their compensation fixed in the same manner as is now provided by law for the appointment of and fixing of compensation for deputy criminal court clerks upon petition by the clerk to a judge of the circuit court.

**SECTION 14.** The sheriff shall designate a sufficient number of court officers to wait on the additional divisions of the General Sessions Court at all times it is in session.

**SECTION 15.** The District Attorney General of the judicial circuit within a county to which this act applies is hereby granted the power and authority to appoint a sufficient number of assistants to serve at the will and pleasure of such District Attorney General in order to serve such additional divisions of the General Sessions Court.

The compensation of such assistants shall be determined by the county executive with the approval of the legislative body of such county.

The compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the legislative body of such county.

**SECTION 16.** Any judge of any court created by this act who fails to abide by the provisions of this act shall be guilty of a misdemeanor in office and punished accordingly.

**SECTION 17.** The provisions of this act shall be applicable to counties having a population of six hundred thousand (600,000) or more according to the 1970 federal census or any subsequent federal census.

**SECTION 18.** [Deleted by Public Acts of 1983, Chapter 36].

**SECTION 19.** Nothing in this act shall be construed to authorize or permit the expenditure of state funds for the courts or personnel authorized by this act.

**SECTION 20.** Notwithstanding any other provisions of law or private acts to the contrary, the method of adjusting the base salary of a General Sessions Judge shall be established by Tennessee Code Annotated, Section 8-23-103, and shall be the exclusive method by which such salary is adjusted during such judge's term of office and this section shall be construed as repealing any other method of adjusting General Sessions Judges salaries provided by general law or private act.

**SECTION 21.** The additional division of General Sessions Court created by Section 2 of this act and the additional General Sessions Judge established by Section 8 of Chapter 772, as amended, shall expire on September 1, 2006, unless affirmatively extended for a period of time by a two-thirds (2/3) vote of the County Legislative Body. Upon any expiration, the General Sessions Criminal Court Judges shall no longer be required to designate one (1) division as a drug court as required by this act.

As amended by: Public Acts of 1999, Chapter 365

**SECTION 22.** 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 this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 23.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 8, 1982.

The Secretary of State advises that this Act was locally approved as required on May 3, 1982.

## Driver's License in Lieu of Bail

### Private Acts of 1974

**SECTION 1.** In all counties having a population of 600,000 or more according to the Federal Census of 1970 or any subsequent federal census, any person lawfully possessed of a chauffeur's or operator's license theretofore issued to him by the department of safety, who is issued a citation or arrested and charged with a violation of any state statute regulating traffic, except those statutes the violation of which calls for a mandatory revocation of driver's license for any period of time, may, at the option of the person so charged, deposit his chauffeur's or operator's license issued under Chapter 59 of Tennessee Code Annotated with any arresting officer or General Sessions Court demanding bail in lieu of any other security required for his appearance in said General Sessions Court of the county in answer to any such charge before said court.



**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County within one hundred twenty (120) days after its effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 18, 1974.

## Environmental Court

### Public Acts of 2003 Chapter 182

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** Chapter 426 of the Public Acts of 1991 is amended by deleting the last sentence of the second paragraph of Section 3 and replacing it with the following language:

The punishment for contempt in each such case is limited to a fine of fifty dollars (\$50.00) and imprisonment not exceeding ten (10) days for each such violation.

**SECTION 2.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 8, 2003.

## Tall Tree Youth Guidance School

### Public Acts of 1965 Chapter 282

**COMPILER'S NOTE:** Although this is a public act rather than a private one its provisions have special effect and are not found in Tennessee Code Annotated.

**SECTION 1.** That whenever a male child between the ages of 12 and 18 within the jurisdiction of the Juvenile Court has been declared delinquent by a Juvenile Court of Memphis or Shelby County, Tennessee, and committed to the State Department of Correction and after such child has been processed by the Tennessee State Department of Correction, and it has been determined by said Department of Correction that the proper place of confinement for said child is TALL TREES, Youth Guidance School, in Memphis, Shelby County, Tennessee, said Department of Correction is hereby authorized to transfer said child to said TALL TREES, Youth Guidance School, for continued rehabilitation.

**SECTION 2.** That no such child found by the Department of Correction to be psychotic, mentally retarded, sexually deviant, epileptic, or to have a social disease, or physically disabled to the extent that he would not adjust to the normal routine of said TALL TREES may be transferred to the TALL TREES facility.

**SECTION 3.** That the discharge of any such child transferred to the TALL TREES facility as provided herein, when such child has been committed for an indefinite period of time, shall be accomplished by the recommendation for the discharge of such child by the State Department of Corrections who would then make a formal recommendation to the committing court that the child's adjustment is satisfactory and such child should be discharged.

**SECTION 4.** That when any such child is transferred by the State Department of Correction to the TALL TREES facility as herein provided, the State of Tennessee, either from the budgetary funds of the said Department of Correction or from a miscellaneous appropriation of the General Assembly, shall pay to the TALL TREES facility a per diem allowance for each such child so transferred for the period of time each such child is confined to said TALL TREES facility, said per diem allowance to be determined by agreement between said Department of Correction and said TALL TREES facility.

**SECTION 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1965.

## Juvenile Court

### Creation

## Private Acts of 1967-68 Chapter 219

**SECTION 1.** That there is hereby created and established in and for the City of Memphis and County of Shelby, Tennessee, a Court with the title and style of Juvenile Court of Memphis and Shelby County, Tennessee. Such Court shall be a Court of Record, presided over by a judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Memphis and Shelby County and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the Office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said Court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court. **SECTION 2.** That when used in this Act, unless the context otherwise requires,

- (a) "The Court" shall mean the Juvenile Court of Memphis and Shelby County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said City and County.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said City and County, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of eighteen years.
- (e) "Adult" shall mean a person who is eighteen years of age or older.
- (f) "City and County" shall mean City of Memphis and County of Shelby, in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Shelby County or any of his Deputies, any Constable of said County, and any Police Officer of said County or of any municipal corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine when not inconsistent with the intent of the Act.

**SECTION 3.** That it is the purpose of this act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Shelby county as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers, and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Title 37 of the Tennessee Code Annotated and any other general laws of the State of Tennessee now in force and effect, or hereinafter to become of force and effect.

**SECTION 4.** That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal, Probate or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such courts.

**SECTION 5.** That whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases wherein the Court is authorized to do so by provisions of the general laws, or to such institution otherwise made available to the Court through arrangements with the County or State authorities; and where no such institution is made available to the Court, the Judge shall certify the facts and the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

**SECTION 6.** That the person who holds the position of Judge of the Memphis Municipal Juvenile Court at the time that this Act shall become operative by virtue of compliance with the provisions set out herein with respect to Section 29, such person shall become the Judge of the Juvenile Court of Memphis and Shelby County and shall serve until September 1, 1968, and until his successor qualifies. At the next regular election of County officers in the State to be held in August, 1968, a person duly qualified shall be elected to serve until September 1, 1974, and until his successor qualifies. Beginning with the regular election of County Officers in the State to be held in August, 1974, and from that election date forward, a person properly qualified shall be elected for a term of eight (8) years as will all other judges of the State and until his successor is qualified and elected. The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby.

The Judge of said Juvenile Court shall receive a salary the same as that of Chancellors and Circuit Judges of Shelby County, to be paid by the County of Shelby. Said Judge shall not be less than thirty (30) years of age, and a resident of the State of Tennessee for at least five (5) years and of Shelby County for not less than one (1) year, and shall have the same qualifications as do the Circuit and Chancery Court Judges of Shelby County, Tennessee, as prescribed by law; provided that this provision shall not apply now or hereafter to the person who at the time this Act shall become operative by virtue of compliance with Section 29 herein holds the office of Judge of the Memphis Municipal Juvenile Court. Said Judge shall take

and subscribe to the same oath of office as that prescribed for all judges in the State of the Circuit and Chancery Courts.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which all person in the jurisdiction of the said Juvenile Court shall have their causes set for trial. In the event the Office of Judge of the Juvenile Court shall become vacant by reason of death, resignation, retirement, or other cause before the expiration of the term of the Judge, the vacancy shall be filled as prescribed by the laws of the State of Tennessee.

As amended by: Private Acts of 1971, Chapter 187  
Private Acts of 1973, Chapter 83

**SECTION 7.** That all monies derived from fees, fines and costs assessed by the Judge and all fees and costs collected by the Clerk shall be paid monthly to the County or to the County and the City of Memphis in accordance with the contract between the said governments regarding same.

**SECTION 8.** That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities, and obligations as provided by Sections 18-102, through and including 18-124, of the Tennessee Code Annotated as applicable to the office. Said clerk shall give a surety bond in the amount of Ten Thousand Dollars (\$10,000.00) for the faithful performance of his duties.

**SECTION 9.** That the Clerk of the Court shall be allowed to demand and receive those fees for services as prescribed and set out in Chapter 21, Title 8, Tennessee Code Annotated, as amended and to be amended from time and time.

**SECTION 10.** That the Clerk of the Court shall be appointed by the Quarterly County Court of Shelby County. Said appointment shall be for a term of two (2) years from the date of appointment and until his successor qualifies. The salary per annum of the Clerk shall be set by the Quarterly County Court payable monthly or semi-monthly in equal installments by the County of Shelby.

**SECTION 11.** That the salaries and compensation of the Judge, Clerk, officers and personnel of the Juvenile Court shall be under the Chairman of the Shelby County Quarterly Court. Said salaries and compensation shall be paid by warrant or warrants drawn upon the County Trustee.

The Chairman of the Quarterly Court may draw one warrant upon the County Trustee for the sum total of their payroll for any payroll period, payable to a Paymaster or the person delegated to perform such duty and properly bonded, and may delegate to such person the duty of issuing individual payroll checks to the Judge, Clerk, officers and personnel of the Juvenile Court.

In addition to the salaries and compensation herein provided, the County shall be authorized to pay the following:

(a) Any portion of the premiums, in excess of the amount required to be paid by the said Judge, Clerk, officers and personnel, in connection with any policy of group life insurance carried by the County for the benefit of and insuring the lives of said Judge, Clerk, officers and personnel.

(b) Any portion of the premium in excess of the amount required to be paid by the Judge, Clerk, officers and personnel in connection with any hospitalization insurance carried by the County for the benefit of County employees.

(c) Any contribution required to be made by the County in behalf of the Judge, Clerk, officers and personnel in connection with any retirement plan which may be adopted by the County for the benefit of its officers and employees.

**SECTION 12.** That all purchases and expenses of the Memphis and Shelby County Juvenile Court shall be made and paid by the Chairman of the Quarterly County Court; provided, that notwithstanding the foregoing provision in regard to the payroll, purchases and expenses, the Quarterly Court may, by appropriate resolution, delegate the duties of administration of the payroll, purchases and payment of all expenses to the Shelby County Board of Commissioners.

**SECTION 13.** That the Sheriff of Shelby County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the Court.

**SECTION 14.** That the Quarterly County Court shall, pursuant to the law and regulations applicable to employees of Shelby County, appoint a Chief Probation Officer upon recommendation of the Judge, but such recommendation shall not be binding upon the Quarterly County Court. Said Chief Probation Officer shall serve at the will and pleasure of the Quarterly County Court, and the salary of the Chief Probation Officer shall be paid by the County of Shelby and fixed by the Quarterly County Court upon recommendation of the Judge.

**SECTION 15.** That the Judge shall appoint and designate, pursuant to the law and regulations of Shelby County, all other personnel, including a Director of Court Services, as may be necessary to carry on efficiently the business of said Juvenile Court within the limit of the total appropriation therefor for each fiscal year. The Judge, not later than April each year; shall submit a schedule by job classification, and such schedule may be approved by the Quarterly County Court in their discretion notwithstanding that same may be within the total appropriation of the approved budget.

All personnel and employees of the Memphis Juvenile Court and so holding positions at the time this Act shall become operative by virtue of compliance with Section 29 herein, if and when appointed to fill positions with the Court herein created, shall be so designated and accorded full status as a County employee with all rights and privileges accruing thereto.

**SECTION 16.** That the Quarterly County Court of Shelby County shall provide adequate quarters to meet the needs for care of children in custody of the Court pending an investigation or hearing and disposition of their cases. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency, or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

**SECTION 17.** That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, where so provided by law, within the judicial discretion of the Judge; the same to be paid from the appropriation provided when certified by the Judge.

**SECTION 18.** That the Judge of the Court shall present to the Quarterly County Court of Shelby County, on or before April of each year, a proposed budget for the operation of the Court for the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly County Court. The Quarterly County Court shall have the duty and responsibility of studying the proposed budget and appropriating funds in such amounts as it deems sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

**SECTION 19.** That the Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

**SECTION 20.** That there is hereby created a Second Division of the Court. The Judge of said Division shall be subject to all of the provisions of this Act in the same manner as is the Judge provided for in this Act. The Judgeship of said Second Division shall remain vacant until the Quarterly County Court of Shelby County shall determine the need therefore and by resolution set a date for the election or appointment of said Judge. The Judge of the Second Division shall be learned in the law and licensed to practice law in this State.

**SECTION 21.** That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will be conducive in the child's welfare and the best interest of the State, and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which should have been given by them.

**SECTION 22.** That all prior Acts governing the organization, jurisdiction and management of the Memphis Municipal Juvenile Court and the present Probate Court of Shelby County, Tennessee, as its jurisdiction applies to Juvenile Court matters, which are not in conflict with this Act, shall remain in full force and effect, and that all Acts in conflict with this Act be and the same are hereby repealed.

**SECTION 23.** That all unfinished and pending matters at the close of business of the present City and County Juvenile Courts on the day preceding the date that this Act shall become operative by virtue of compliance with Section 28 hereof, shall be transferred to the Juvenile Court of Memphis and Shelby County, Tennessee, and the judges of the respective City and County Juvenile Courts, in that event, shall forthwith deliver over all official books and papers pertaining thereto in accordance with the law.

**SECTION 24.** That the County of Shelby shall enter into a contract of agreement with the City of Memphis providing such terms and conditions therein as the parties deem best for the joint financial support, operation and maintenance of the Memphis and Shelby County Juvenile Court.

**SECTION 25.** That the County of Shelby may enter into contractual agreements with other municipalities located within Shelby County for the joint financial support, operation and maintenance of said Juvenile Court.

**SECTION 26.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, sentences, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

**SECTION 27.** That this Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Quarterly County Court of Shelby County not more than one hundred twenty (120) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

**SECTION 28.** That the provisions of this Act shall not be operative unless or until the proper authorities of the governing body of the City of Memphis by ordinance abolished or suspend the Juvenile Court System of the City of Memphis as authorized by an amendment to the Home Rule Charter of that City pursuant to Section 9, Article 11, of the Constitution of the State of Tennessee, approved heretofore by the voters of the City of Memphis in a General Election held on November 8, 1966. Said ordinance shall only be adopted after approval and execution of the contract referred to in Section 24 hereof by all necessary officials of the City of Memphis and County of Shelby.

**SECTION 29.** That this Act shall take effect from and after this passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 27 above and as otherwise provided in the Act.

Passed: May 26, 1967.

## Probate Court

### Public Acts of 1870 Chapter 86

**COMPILER'S NOTE:** Following this act are amendatory acts which further define the jurisdiction of the probate court of Shelby County.

**SECTION 1.** That there is hereby established in Shelby County, a Court of Record, to be called the Probate Court of Shelby County, to consist of one Judge, who shall be elected by the qualified voters of Shelby County, on the first Thursday in August, 1870. The qualifications and term of office of the said Judge, shall be the same as now prescribed by law in reference to Circuit Judges of this State.

Whenever a vacancy shall occur in the office of Judge of said Probate Court, whether by death, resignation, removal or otherwise, the vacancy in such office shall be filled by the qualified voters of Shelby County at the next succeeding general election, for any of the County officers, occurring more than thirty days after the happening of the vacancy; and in the meantime, the Governor of the State shall appoint a person, learned in the law and otherwise legally qualified, who shall discharge the duties of said office until a successor shall be elected and qualified. Such appointee shall receive the same compensation which would have been payable to his predecessor had such vacancy not occurred.

As amended by: Private Acts of 1935, Chapter 178

**SECTION 2.** That the said Court shall have original jurisdiction of all matters of probate, the administration of estates and orphans' business, embracing all of the subjects and powers enumerated in the conferred by Sections 4,201, 4,203, 4,204, 4,205, and 4,208 of the Code of Tennessee, and concurrent jurisdiction with the Chancery Courts of Shelby County over the persons and estates of idiots, lunatics, and other persons of unsound mind; and of proceedings for the partition or sale of estates by personal representatives, guardians, heirs, tenants in common, joints owners or coparcener, for the sale of lands at the instance of the creditors of the descendents, if the personal property is insufficient to satisfy the debts of the estate, and for the allotment of dower; to remove the disabilities of minority; and it is hereby vested with all the powers of a Chancery Court touching these matters. The Judge of said Probate Court is also hereby vested with all the powers conferred by law upon Judges of the inferior Courts in this State. From the judgment of said Probate Court, an appeal shall lie directly to the Supreme Court of this State, and to no other Court.

After the settlement of a guardian's account, the Court may compel the guardian to pay into the office of the Clerk the balance found against him, and may upon motion of the Clerk or any interested party, after twenty days notice to the guardian, award summarily an execution against such guardian and his sureties for the amount of said balance as in case of a judgment at law; and when any specific thing is to be done, the Probate Court may compel the guardian, by an order, to perform it, and by process of contempt in case of refusal. The Probate Court shall have and is hereby granted concurrent jurisdiction with the Chancery Court of Shelby County, Tennessee, in respect of the removal of disabilities of minority.

The probate court shall have and is hereby granted concurrent jurisdiction with the chancery courts to construe and interpret wills; to entertain proceedings to reopen records made by guardians and conservators and determine upon proof any balance due by them; to determine controverted and disputed issues in cases involving executors, guardians and conservators, and to determine all matters related thereto; and to determine title to real property involved in estates.

As amended by: Private Acts of 1923, Chapter 163  
Private Acts of 1935, Chapter 179  
Private Acts of 1941, Chapter 241  
Private Acts of 1985, Chapter 28

**SECTION 3.** The Office of the Clerk of the Probate Court of Shelby County is hereby created. The salary of said Clerk shall be \$6,600.00 per annum, payable in equal monthly installments.

Gertrude Decker, a citizen of Shelby County, is hereby designated and appointed as Clerk of said Probate Court of Shelby County, to serve from and after the first day of the month following enactment hereof, at and after which time the Clerk of the County Court of Shelby County shall no longer act as Clerk of said Probate Court.

The said Gertrude Decker shall serve as such Clerk until the next general election held pursuant to law, and until her successor is duly elected and qualified. At such election, a Clerk of said Probate Court of Shelby County shall be elected until the general election to be held on the first Thursday in August, 1962, at which time, and every four years thereafter, a Clerk of said Probate Court of Shelby County shall be elected for a term of four years.

Such Deputy Clerks and assistants to the Clerk as may be necessary for the proper operation and administration of the duties of said office of Clerk of the Probate Court of Shelby County, shall be appointed, and their compensation fixed in the same manner as is now provided by law for the appointment and the fixing of compensation of Deputy Probate Court Clerks upon petition by the Clerk to the Judge of the Probate Court.

The Clerk of said Court and his Deputies assigned thereto shall have concurrent authority with the Judge to issue warrants and other process and writ, except those which are required by law to be issued only upon the fiat of a judicial officer.

The terms of said Probate Court shall be held on the first Monday of each and every month, and shall continue until the business of the term is finished; but the Judge, or the Clerk in his absence, may adjourn the Court over to a subsequent day of the term, or until the first day of the next term, and said Court may sit upon its own adjournments.

The Sheriff of Shelby County shall furnish a Deputy to attend the sittings of said Court.

As amended by: Private Acts of 1959, Chapter 205

**SECTION 4.** That the records of the late County Court of Shelby County, and of the present Quorum Court of said county, be, and the same are hereby transferred to the said Probate Court, and all the unfinished business therein shall be proceeded with as if the same had originated in said Probate Court, and all process and publication returnable to either of said Courts shall be as valid as if returnable to, or made in said Probate Court.

The Judge of said Probate Court is hereby vested with the authority to correct all errors and omissions made in the records of the County Court Clerk of Shelby County and particularly with respect to errors and omissions which relate to marriage licenses.

As amended by: Private Acts of 1955, Chapter 317

**SECTION 5.** That the salary of the said Judge of said Probate Court shall be the same as that of the Chancellors and Circuit Judges of Shelby County; Provided, that the same shall be paid by the County Court of Shelby, and it is hereby made the duty of said County Court to make the necessary appropriation therefore.

As amended by: Private Acts of 1913, Chapter 324  
Private Acts of 1949, Chapter 237  
Private Acts of 1957, Chapter 301  
Private Acts of 1965, Chapter 84

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it; but the Quorum Court of said county shall continue to exercise the jurisdiction with which it is vested by law, until the Judge of said Probate Court shall be elected and qualified.

Passed: June 24, 1870.

## Fee Schedule

## Private Acts of 1980 Chapter 250

**SECTION 1.** Chapter 86 of the Acts of the General Assembly of Tennessee of the year 1870, as amended by Chapter 223 of the Private Acts of 1959, and Chapter 236 of the Private Acts of 1967, establishing the Probate Court of Shelby County, Tennessee is hereby further amended by deleting the entire fee schedule as set forth therein and substituting in lieu thereof the following fee schedule for services the clerk of the said court shall be allowed to demand and receive fees therefore:

1. For filing petition, entering order, recording bond, issuing original letters of administration in intestacy cases, issuing notice to creditors and notifying Commissioner of Revenue - \$30.00.
2. For filing petition for probate of will and entering order, without issuing letters testamentary - \$25.00.
3. For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary when bond is waived, recording will, issuing notice to creditors and notifying Commissioner of Revenue - \$40.00.
4. For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary when bond is waived, recording will, issuing notice to creditors and notifying the Commissioner of Revenue - \$40.00, plus \$1.00 for each additional page of will in excess of three (3) pages.
5. For filing petition to probate will of three (3) pages or less in length, entering order, issuing original letters testamentary or original letters of Administration C.T.A., recording bond, issuing notice to creditors and notifying Commissioner of Revenue - \$45.00.
6. For filing petition to probate will of more than three (3) pages in length, entering order, issuing original letters testamentary or original letters of Administration C.T.A., recording bond, issuing notice to creditors and notifying Commissioner of Revenue - \$45.00, plus \$1.00 for each additional page of will in excess of three (3) pages.
7. For filing petition for letters of guardianship, issuing process and cost bond, entering order, and issuing original certificate of guardianship - \$30.00, not including fee of \$10.00 additional to the Sheriff.
8. For filing petition for removal of disabilities of minority, and entering order - \$15.00.
9. For filing petition for removal of disabilities of insanity, filing affidavits and entering order - \$15.00.
10. For filing petition for allowing years support to widows and entering all orders and reports - \$15.00.
11. For filing petition to legitimate persons, entering order, issuing certificates to be forwarded to the Tennessee Department of Vital Statistics - \$20.00.
12. For filing petition for change of name, and entering order - \$20.00.
13. For filing inventory and recording same in Inventory Record Book - \$5.00.
14. For entering each order not otherwise provided for - \$6.00.
15. For filing petition for habeas corpus, filing cost bond, issuing process, and entering order - \$30.00, not including fee of \$10.00 to the Sheriff.
16. For filing and recording annual settlement of guardians, conservators, administrators and executors and entering order approving settlement only - \$12.00.
17. For filing and recording final settlements of guardians, conservators, administrators and executors and entering order approving settlement only - \$16.00.
18. For filing petition under the Mental Health Law, issuing notices of hearing, entering returns, and entering judgments after hearing - \$40.00, not including fees of Sheriff.
19. For entering order increasing bonds of guardians, conservators, executors and administrators and recording bond - \$12.00.
20. For issuing each additional copy of letters of administration, testamentary, guardianships, and conservatorships - \$3.00.
21. For each certificate issued, except under Acts of Congress - \$2.00.
22. For each certificate issued under Acts of Congress - \$4.00.
23. For issuing supplemental certificate showing letters to be in force - \$3.00.
24. For making certified copies of documents - \$1.00 per page, plus \$2.00 for certificate.
25. For filing exceptions to claims against estates, mailing notices and entering orders - \$25.00.
26. For filing petition for delayed or corrected birth certificate, and entering order - \$20.00.
27. For filing and docketing claims against decedent's estate, each claim - \$2.00, for filing release of

each claim - \$1.00.

28. For filing and docketing petition and order not otherwise provided for - \$16.00.
29. For issuing summons, subpoenas, citations, writs and notices - \$6.00.
30. For filing Small Estate Affidavits ( includes certifying to one copy) - \$15.00, each additional copy \$.50.
31. For filing petition and cost bond in causes involving sale of real estate - \$10.00.
32. For filing each answer in such causes - \$3.00.
33. For filing each report in such causes - \$3.00.
34. For issuing summons and entering return in such causes - \$6.00.
35. For entering orders pro confesso in such causes - \$4.00.
36. For issuing and entering order of publication in such causes - \$4.00.
37. For filing each amended petition in such causes - \$4.00.
38. For entering order appointing Guardian Ad Litem in such causes - \$6.00.
39. For entering final order in each of such causes - \$6.00. (The clerk shall collect Sheriff's fee of \$10.00 plus \$10.00 for each additional defendant in proceeding to sell real estate).
40. Commissions of funds paid into court in causes involving sale of real estate twenty-one dollars and fifty cents (\$21.50) on first one thousand dollars (\$1,000), and one half of one percent ( $\frac{1}{2}\%$ ) on balance.
41. Commissions on proceeds of the sale of real estate when sale made by the clerk. Five percent (5%) on first six thousand dollars (\$6,000) of sale price, plus one percent (1%) of the balance.

**SECTION 2.** This Act shall have no effect unless approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Board of County Commissioners of Shelby County not more than 120 days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Shelby County and shall be certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 24, 1980.

## Jurisdiction

### Jurisdiction - Contempt

#### Private Acts of 1953 Chapter 447

**SECTION 1.** That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled "AN ACT to establish The Probate Court of Shelby County," and all Acts amendatory thereof, be and the same is hereby amended to provide that:

The Probate Court of Shelby County, Tennessee, is hereby empowered to impose the same punishment for contempt of Court that the Circuit and Chancery Courts of this State are empowered to impose for contempt of Court.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

### Jurisdiction - Encroachment on Estates

#### Private Acts of 1935 Chapter 182

**SECTION 1.** That Chapter No. 86 of the Acts of the General Assembly of 1870 be and the same is hereby amended by adding thereto the following, to-wit: The Probate Court of Shelby County is granted jurisdiction to authorize encroachments by guardians upon the estates of minors and persons non compos for the purposes of his or her support, maintenance and/or education, by proceedings in the following manner:



(1) The guardian shall file in the office of the Clerk of the Probate Court a petition in writing, duly verified, containing a statement of the nature and amount or value of the estate of the ward, including income on hand, and also of the purpose and necessity of the desired encroachment and any other relevant matter.

(2) After the petition shall have been filed, the Court, if in session, of the Judge, in chambers, shall, upon the application of the guardian, appoint a time and place for the hearing; in all cases wherein the appointment of a guardian ad litem is required or is made through the exercise of the discretionary power of the Court, the hearing may be had and the matter determined at any time designated by the Court or Judge; provided that if the estate of the person under disability which is sought to be encroached on be composed in whole or part of compensation or pension awards of War Risk Insurance payments made pursuant to Federal Law, the date of the hearing shall in all such cases be not earlier than fifteen days from the date of the filing of the petition, and the Clerk shall promptly forward a copy of the petition, with notice of the date of the hearing, to the office of the Federal Bureau having jurisdiction over the area within which the court is located.

(3) If it appears from the petition that the amount or value of the corpus of the estate of the ward exceeds Twenty Thousand Dollars (\$20,000), a guardian ad litem shall be appointed for the ward, otherwise the appointment of such guardian ad litem shall not be necessary, but may be made, in the discretion of the Court or Judge.

(4) If, upon any hearing without guardian ad litem, it shall appear to the Court from evidence presented that, notwithstanding the recitals of the petition otherwise, the amount or value of the corpus of the state of the ward exceeds Twenty Thousand Dollars (\$20,000), a guardian ad litem shall thereupon be appointed and further proceedings in the matter be suspended and the cause be reset for hearing at a later date, not earlier than fifteen days therefrom.

(5) It shall be the duty of every guardian ad litem appointed pursuant to the provisions of this Act to make an investigation into the matters embraced in the petition and on or before the day fixed for the hearing to file in writing a report to the Court containing a statement of the results of such investigation, with his recommendations in the premises.

(6) At the time and place appointed for the hearing the guardian shall attend in person or through counsel. The Court may also require the attendance of the ward, if practicable, and of the guardian ad litem and may cause a subpoena to be issued for any witness whose testimony is desired. If it appears that the testimony of any witness should be produced and such witness, for any cause, cannot attend in person, the Court may order his deposition taken.

(7) It shall not be necessary in such proceedings for any order of reference to be made, but the Court may do so if such course seems advisable. Nor shall service of process upon the ward be required and the proceeding may be in ex parte form.

(8) The hearing upon the petition may be had either before the Court, in session, or before the Judge, at chambers in vacation and the Court or the Judge, as the case may be, shall make such orders and decrees relative to an encroachment upon corpus assets of the ward as may be deemed proper. All such orders and decrees shall be entered upon the minutes of the Court, and those made and entered in vacation shall have the same force and effect as if made and entered in term.

(9) Guardians ad litem appointed hereunder shall be allowed such fees for their services as to the Court shall seem proper and the same shall be taxed as a part of the costs of the proceeding.

As amended by: Private Acts of 1965, Chapter 155

Private Acts of 1976, Chapter 220

**SECTION 2.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed, provided, that nothing herein contained shall be construed as having the effect to oust or to alter the present jurisdiction of Courts of Chancery to hear and determine applications for encroachments.

**SECTION 3.** That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: February 19, 1935.

## Jurisdiction - Estates of Minors

### Private Acts of 1945 Chapter 175

**SECTION 1.** That Chapter 86 of the Acts of the General Assembly of 1870, establishing the Probate Court

of Shelby County, Tennessee, be, and the same is, hereby amended by adding the following thereto, to-wit:

"The Probate Court of Shelby County shall have concurrent jurisdiction with the Chancery Courts of Shelby County over the persons and estates of minors."

**SECTION 2.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

**SECTION 3.** That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: February 7, 1945.

## Jurisdiction - Sale of Realty

### Private Acts of 1935 Chapter 407

**COMPILER'S NOTE:** The provisions of Private Acts of 1935, Chapter 181, are identical to this act, except for date of passage.

**SECTION 1.** That Chapter 86 of the Acts of the General Assembly of 1870 be and the same is hereby amended by adding the following thereto, to-wit:

(1) The Probate Court of Shelby County is granted jurisdiction to hear and determine applications for, and to consent to, confirm and decree, the sale of the real property or any part thereof, located within said County, of persons under the disability of minority and/or unsoundness of mind, when such sale is in the case of minors, for the purpose of support, maintenance, education, or reinvestment and, in the case of persons of unsound mind, is for the purpose of support, maintenance, reinvestment or payment of his lawful obligations; and the jurisdiction here conferred may be exercised whether the interest or estate of the person under disability is in possession, remainder, reversion or expectancy or is held jointly, or in common with another or is an equitable interest or is subject to any limitation, restriction, condition or contingency whatsoever.

(2) Property so limited that persons not in being may have an estate or interest therein may also be sold under the provisions of this Act if all those interested then in being, are before the Court and it is satisfactorily shown to be necessary or manifestly for the interest of such persons then in being, having a common interest with those who may come into being.

(3) The application for such sale may be made by petition or bill filed by the regular guardian or by next friend, accompanied by a cost bond, the person under disability being made a defendant thereto, and also the guardian, if any, where the proceeding is brought by next friend.

(4) In all such cases the pleadings shall set forth fully and particularly the property sought to be sold and all other property, if any, owned by the person under disability or to which he is in any way entitled, with approximate values; also his age, circumstances and conditions, the purpose for which such sale is sought and the reasons for the necessity or advisability of such sale. Every such pleading shall be in duplicate and be sworn to by the party by whom filed.

(5) Summons shall be issued for and served upon each resident defendant and return thereof made as in other cases.

(6) If it appears from an affidavit attached to the pleading or separately filed in the cause or from the officer's return on any summons:

(a) That any party defendant is a non-resident of the State, or

(b) That upon inquiry at his usual place of residence he cannot be found and there is just ground to believe that he has gone beyond the limits of the State, or

(c) That the place of his residence is unknown and cannot be ascertained upon diligent inquiry; and if such defendant has not caused his appearance to be entered, the Clerk of the Court shall enter an order requiring the defendant to appear at a certain day, being not less than twenty days from the date thereof, and defend, otherwise, the petition or bill will be taken for confessed. The Clerk shall forthwith cause a copy of this order to be published in some newspaper published in the County, or designated by order of Court.

(7) The order of publication shall contain the style of the Court and cause and the name of the place where the Court is held, without any brief or abstract of the facts, unless directed by the Court. Evidence of the publication in pursuance of the order may be by affidavit of the printer or publisher or by the actual production of the newspaper in Court.

(8) After process on the person under disability shall have been duly served and returned, the Court shall appoint a guardian ad litem to answer and appear and defend for him. If the person under disability be a minor over the age of fourteen years he may file an answer in his own behalf, but this will not dispense with the answer of the guardian ad litem.

(9) The cause shall be triable at any time after the expiration of twenty days from the date of service of process on resident defendants, or from the date of expiration of the publication for non-resident defendants, whichever date is latest, however, the Court may in its discretion order an earlier hearing if all necessary parties are properly impleaded.

(10) The cause may be heard either on oral or written evidence. The Court may require the attendance of the person under disability, if practicable, and may cause subpoena to be issued for any witness whose testimony is desired. If it appears that the testimony of any witness should be produced and such witness from any cause cannot be present in person, the Court may order his deposition taken.

(11) The questions put to witnesses shall be such as to elicit the whole truth and may, if necessary, be prescribed by the Court, and the testimony shall be full, ample and complete. The propriety of granting such relief shall appear to the satisfaction of the Court.

(12) In order to prevent unnecessary or wrongful applications the Court may charge the guardian personally with the costs, including guardian ad litem's fees, if it shall appear that the proceeding has been manifestly improvidently instituted.

(13) The Court shall award the guardian ad litem such fee for his services as shall seem appropriate and may cause the same to be taxed as a part of the costs of the cause to be paid by the estate of the person under disability, or otherwise, as the Court's discretion shall prompt.

(14) If a sale shall be ordered the decree of the Court may prescribe the terms of sale, either for cash or on credit, or partly cash and partly on credit, and the length of credit extended in any case shall be such as seems to the Court proper, and in any sale authorized to be made on credit, a lien shall be retained upon the land in the decree to secure the payment of the deferred purchase money.

(15) The proceeds of sales made under the authority of this Act shall be subject to the control of the Court and such dispositions thereof shall be made as to the Court shall seem proper. In sales ordered for purposes of reinvestment the Court shall direct that the proceeds be reinvested in such manner as is authorized by law for the investment of funds of persons under disability and may within such classes of investments prescribe the particular type of securities in which such fund shall be invested.

(16) If, as the result of a sale authorized under the terms of this Act funds shall be payable to the guardian, the Court shall, before any monies are paid to him require as security therefor a bond with sufficient security in an amount which shall not be less than the amount of the fund nor more than twice its amount, as in the circumstances shall to the Court seem proper. Such bond shall be conditioned upon the performance of the decree of the Court and whatever orders the Court may thereafter make touching said proceeds.

(17) It shall be competent in any proceeding conducted under this Act that the order or decree of Court authorize a conveyance by the guardian of the property in question or in terms divest the title out of the person under disability or its guardian as the case may be and vest the same in the purchaser.

(18) If the provisions of this Act shall have been substantially complied with the purchaser of the property, unless a formal party to the action, shall get a good title, although the Court may have erred in its conclusions as to the necessity or advisability of the sale, and although the decree may for that reason be subsequently reversed or set aside upon any proceeding for the correction or errors.

**SECTION 2.** That all laws and parts of laws in conflict herewith be and the same are hereby repealed, provided, however, that nothing herein contained shall be construed as having the effect to oust or in anywise affect the present jurisdiction of Courts of Chancery over proceedings for the sale of property of persons under disability.

**SECTION 3.** That this Act shall take effect and be in force from and after its passage, the public welfare requiring it.

Passed: April 12, 1935.

# Jurisdiction - Workmen's Compensation

## Private Acts of 1955 Chapter 199

**SECTION 1.** That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled, "An Act to Establish the Probate Court of Shelby County," and all Acts amendatory thereof, be and the same is hereby amended to provide and include the following:

"The Probate Court of Shelby County shall not have jurisdiction of causes arising under the Tennessee Workmen's Compensation Law, except causes on which petitions have been filled [sic] in said Court prior to the effect date of this Act."

**SECTION 2.** That Chapter 180 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935 be and the same hereby is repealed.

**SECTION 3.** That this Act shall become effective when the same shall have been approved by the Quarterly County Court of any County to which it may apply by a vote of not less than two-thirds of the members of said Court, such approval to be made by said Court within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1955, the public welfare requiring its becoming effective at that time, and not before such approval. The approval or non-approval of this Act by said Quarterly County Court to the Secretary of State.

Passed: March 3, 1955.

## Division II

## Private Acts of 1965 Chapter 213

**SECTION 1.** That Chapter 86 of the Acts of the General Assembly of the State of Tennessee for the year 1870 entitled "AN ACT to establish the Probate Court of Shelby County," and all Acts amendatory thereof, be and are hereby amended as hereinafter set forth:

**SECTION 2.** That there is hereby created and established on, from and after September 1, 1966, another Division of the Probate Court of Shelby County, Tennessee. The present Probate Court of Shelby County shall be known and designated as Division One of the Probate Court of Shelby County, and the Judge of said Court shall be known and designated as the Judge of Division One. The said additional Division of said Court herein created shall be known and designated as Division Two of the Probate Court of Shelby County, Tennessee.

**SECTION 3.** That the said Division Two of the Probate Court of Shelby County shall have the same terms, and the same jurisdiction and powers as are now vested in and exercised by the present Probate Court of Shelby County; and the procedure, rules of practice, and laws governing the said Division Two of the said Court herein created shall be the same as those of the present Probate Court of Shelby County, except as may be hereafter legally changed. The said Divisions of the Probate Court of Shelby County shall regulate their own sessions, and sit upon their own adjournments.

**SECTION 4.** That at the next regular election of County Officers in the State to be held in August, 1966, a person qualified under the law shall be elected Judge of said Division Two of the Probate Court of Shelby County for a term of eight years beginning September 1, 1966, and until his successor qualifies; and from that election forward a person qualified under law shall be elected for the same term of office as the Judge of the present Probate Court of Shelby County is elected.

**SECTION 5.** That the Clerk of the present Probate Court of Shelby County shall also be the Clerk of Division Two of said Court herein created; and all laws governing the powers and duties of said Clerk applicable to the present Probate Court of Shelby County shall also attach and be applicable to Division Two of the Probate Court of Shelby County.

The Clerk, in person or by deputy, shall attend each Division of said Court when in session.

**SECTION 6.** That the minutes of the said Divisions of the Probate Court of Shelby County shall be kept in separate books and the minutes of each Division shall be signed by the Judge sitting regularly therein, except in cases of interchange duly made.

**SECTION 7.** That the Sheriff of Shelby County, in person or by deputy, shall attend each of the said Divisions of the Probate Court when in session.

**SECTION 8.** That the County Court of Shelby County shall furnish all necessary and proper furniture, books, and other supplies for each Division of the Probate Court of Shelby County; and shall also furnish

separate and suitable court rooms and offices for said Divisions and said Judges.

**SECTION 9.** That the Judges of said Divisions of the Probate Court of Shelby County may interchange with each other when they mutually deem interchange necessary, appropriate, or convenient; and in case of death, resignation, inability to hold court, or absence from the jurisdiction of either of said Judges, the other may preside over both Divisions of said Court until a special or regular Judge is appointed or elected and qualified to serve in the place of the former.

**SECTION 10.** That as soon as practicable after September 1, 1966, the Judges of said two Divisions of the Probate Court of Shelby County shall apportion between the said Divisions the cases then pending in the Probate Court of Shelby County in such manner as they deem proper to expedite hearings and the disposition of said cases; and the said Judges may mutually make such Orders, Rules, and Regulations as they deem proper for the divisions and assignment to the said two Divisions of the matters and causes thereafter filed in the said Probate Court; and said Judges from time to time by mutual agreement may transfer from one Division to the other such hearings, matters and causes as they deem proper.

**SECTION 11.** That the salary of the Judge of said Division Two of the Probate Court of Shelby County herein created and the salary of the Judge of the present Probate Court of Shelby County shall be the same as that of the Chancellors and the Circuit Judges of Shelby County. The said salaries of the said Judges shall be paid by the County of Shelby; and it is hereby made the duty of the County Court of Shelby County to make the necessary appropriations therefor.

**SECTION 12.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Shelby County within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1965. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or disapprove, and shall be certified by him to the Secretary of State.

**SECTION 13.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1965.

## Public Defender

### Private Acts of 1917 Chapter 69

**SECTION 1.** That there is hereby created the office of Public Defender in the counties of this State having a population of not less than one hundred and ninety thousand according to the Federal Census of 1910, or any subsequent Federal Census.

**SECTION 2.** That immediately upon the passage of this bill in all counties of this State having a population of not less than one hundred and ninety thousand according to the Federal Census of 1910, or any subsequent Federal Census, the County Commission in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect some person, who shall be learned in the law as Public Defender who shall hold said office and discharge the duties thereof as provided in this Act for a period of four years, beginning on the first day of March, 1917, that at the expiration of the said term of office, and every four years thereafter, the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect a successor to the office of Public Defender herein provided for, which said successor shall hold said office, and discharge the duties thereof as provided in this Act for a term of four years, from, and including the first day of the term for which he is elected, and until his successor is duly elected and qualified.

**SECTION 2 (b)** In event of the death of a Public Defender elected as herein provided for or his resignation, or vacancy occurring through other means the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court shall elect a Public Defender of fill the unexpired term.

**SECTION 2 (c).** Any Public Defender elected under the provisions of this Act may be removed for cause by a two-thirds vote of the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court of the county in which he was elected.

**SECTION 3 (a).** That upon request by the defendant, or upon order of the Court, it shall be the duty of the Public Defender to defend, without expense, and to represent generally, all persons who are without means to employ counsel, who have been indicted, by the grand jury or charged with the commission of any crime and he shall, also, upon request, give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher Court or Courts of any person who has been convicted upon such charge, where, in his opinion

there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modifications of the judgment of conviction.

**SECTION 3 (b).** He shall have the power to employ such deputies, assistants, stenographers, interpreters and clerks as shall be necessary for the proper conduct of the business of his office, subject to the approval of the County Commission, in such of said counties as may have County Commissions created by law, and if none, then the County Court, each of whom shall receive such salary or compensation as shall be fixed by the County Courts; all expenses herein referred to shall be a charge upon the county in which such Public Defender is employed.

**SECTION 3 (c).** He shall take and file the constitutional oath of office.

**SECTION 3 (d).** He shall receive such annual salary as shall be set by the Quarterly County Court of the County in which he is elected. Such salary shall be paid in equal monthly or semi-monthly installments.

As amended by:  
 Private Acts of 1951, Chapter 155  
 Private Acts of 1953, Chapter 295  
 Private Acts of 1955, Chapter 115  
 Private Acts of 1965, Chapter 89  
 Private Acts of 1970, Chapter 313

**SECTION 3 (e).** The County Court in each of the counties in which the office of Public Defender is hereby created, shall provide suitable rooms for the use of the Public Defender, and office furniture and supplies for the proper conduct of the business of his office.

**SECTION 3 (f).** Every person who shall be appointed as Assistant Public Defender or a Deputy Assistant Public Defender must be a counselor at law in this State and a citizen and resident of the county in which he is appointed; every such appointment shall be made in writing and under the hand and the seal of the Public Defender, and filed in the office of the Clerk of the Criminal Court of the county in which such appointment is made; and the person so appointed shall take and file with the Clerk of the Criminal Court the constitutional oath of office before entering upon his duties; every such appointment may be revoked by the Public Defender making same, which revocation shall be in writing and filed with the Clerk of the Criminal Court; such Assistant or Deputy Assistant Public Defender may attend all Criminal Courts and discharge the duties imposed by law upon or required of the Public Defender by whom he was appointed; the Public Defender may designate in writing, to be filed in the office of the Clerk of the Criminal court, one of his assistants to be acting Public Defender in the absence from such county or other disability of such Public Defender, and the assistant designated shall during such absence or disability of such Public Defender, perform the duties of said office; such designation may be revoked by the Public Defender in writing, to be filed in the office of the Clerk of the Criminal Court.

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

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

Passed: February 28, 1917.

## Court System - Historical Notes

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

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

1. Acts of 1849-50, Chapter 172, provided that the Shelby County Court would pay all jury tickets issued by the clerk of county court and of the criminal court of Memphis.
2. Public Acts of 1901, Chapter 124, created a board of jury commissioners for Shelby County, with three "discreet" members,
3. Acts of 1905, Chapter 230, created a board of jury commissioners for Shelby County, prescribed their oath, compensation and method of jury selection for the circuit and criminal courts.
4. Acts of 1907, Chapter 226, amended Acts of 1905, Chapter 230, by providing that two of the three jury commissioners receive \$3.00 each per day, and that the secretary of said jury commissioners receive \$5.00 per day for each and every day's service.
5. Acts of 1907, Chapter 561, amended Acts of 1905, Chapter 230, by providing for juries for immediate use in special cases, their term of service, exemption, qualifications and punishment for violating Chapter 230.

6. Acts of 1909, Chapter 337, set the per diem salary of jurors at \$1.50 per day plus mileage for those who lived more than ten miles from the courthouse. Private Acts of 1915, Chapter 30, raised this salary to \$3.00 per day, and Private Acts of 1949, Chapter 357, set the salary at \$6.00 per day.
7. Private Acts of 1911, Chapter 65, amended the general law on compensation of jurors by providing that in Shelby County the compensation of jurors should be \$3.00 per day plus mileage as set by law. This was repealed by Private Acts of 1913, Chapter 207.
8. Private Acts of 1911, Chapter 640, amended Acts of 1905, Chapter 230, by providing that jurors serve fifteen days instead of twelve days within a year.
9. Private Acts of 1911, Chapter 640, amended Acts of 1905, Chapter 230, so as to provide for service of all jurors selected in any of the circuit or criminal courts and fixed the manner of selection so as to economize in the trial of all civil and criminal cases in Shelby County.
10. Private Acts of 1913 (Ex. Sess.), Chapter 1, provided that jurors who lived more than five miles from the courthouse in Shelby County would be allowed additional compensation of 10¢ per mile for each day's jury service, provided that the mileage did not exceed twenty miles per day. This was repealed by Private Acts of 1933, Chapter 374.
11. Private Acts of 1917, Chapter 337, amended Public Acts of 1915, Chapter 70, to provide that the per diem compensation of jurors in Shelby County would be \$2.50. Private Acts of 1917, Chapter 766, amended this to provide that the per diem compensation of jurors, who lived within five miles of the courthouse and who collected mileage, would not be changed. These acts were repealed by Private Acts of 1933, Chapter 376.
12. Private Acts of 1917, Chapter 729, amended Acts of 1905, Chapter 230, by placing the members of the jury commissioners on a stipulated monthly salary in lieu of the per diem that was provided.
13. Private Acts of 1919, Chapter 774, provided that jurors were to be paid \$2.50 per day plus 4¢ per mile if they lived at least six miles from the courthouse.
14. Private Acts of 1923, Chapter 418, amended Acts of 1905, Chapter 230, by providing that one of the commissioners appointed under the provisions of said act shall reside outside the corporate limits of the Shelby County Seat.
15. Private Acts of 1929, Chapter 418, amended Private Acts of 1905, Chapter 230, by providing that one of the commissioners appointed under the provisions of said act reside outside of the corporate limits of the Shelby County Seat.
16. Private Acts of 1929, Chapter 633, was an amendment to the board of jury commissioners act, which provided that the grand jury was to be chosen from the names of all qualified jurors in attendance in both the circuit and criminal courts, by placing their names in a box and letting the names be drawn from the box by a child under the age of ten years. This was repealed by Private Acts of 1931, Chapter 447.
17. Private Acts of 1929, Chapter 818, amended Acts of 1905, Chapter 230, by providing for the more effective service of jurors, the exemption of certain persons from further jury service under certain conditions; to permit judges to fix the time of service at a subsequent term and to otherwise make said act more effective.
18. Private Acts of 1933, Chapter 370, amended Acts of 1905, Chapter 230, by restructuring the board of jury commissioners.
19. Private Acts of 1937, Chapter 378, amended Private Acts of 1933, Chapter 370, \$175 per month.
20. Private Acts of 1949, Chapter 236, amended Private Acts of 1933, Chapter 370, by \$350 per month.
21. Private Acts of 1951, Chapter 157, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner appointed by the judges and chancellors receive a salary of \$375 per month.
22. Private Acts of 1953, Chapter 298, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner appointed by the judges and chancellors receive a salary of \$400 per month.
23. Private Acts of 1955, Chapter 118, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$5,400 per annum.
24. Private Acts of 1961, Chapter 121, amended Acts of 1905, Chapter 230, by extending the time in which the envelope containing the jury list be sealed from two to four years.

25. Private Acts of 1961, Chapter 252, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$7,500 per annum.
26. Private Acts of 1967-68, Chapter 237, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$9,500 per annum.
27. Private Acts of 1967-68, Chapter 330, would have repealed Private Acts of 1915, Chapter 30, and Private Acts of 1949, Chapter 357, but it was rejected or disapproved or not concurred in by the proper authorities and is was therefore not operative and not in effect in accordance with its provisions.
28. Private Acts of 1969, Chapter 182, amended Private Acts of 1933, Chapter 370, by providing that the jury commissioner receive a salary of \$12,000 per annum.
29. Private Acts of 1970, Chapter 316, amended Private Acts of 1933, Chapter 370, by providing that the salary of the jury commissioner shall be set by the quarterly county court of Shelby County.
30. Private Acts of 1979, Chapter 263, amended Acts of 1905, Chapter 230, by providing for an alternate method of providing names for jury venires.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Shelby 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. Public Acts of 1829-30, Chapter 52, placed the counties of Shelby, Wayne, Hardin, McNairy, Hardeman and Fayette into a chancery district. The chancery court was held in Bolivar on the first Mondays of May and November.
2. Public Acts of 1835-36, Chapter 4, established chancery courts throughout the state. The counties of Shelby and Fayette composed the seventh chancery district of the Western Division. The chancery courts were held at Somerville on the fourth Mondays of May and November.
3. Acts of 1837-38, Chapter 14, provided that Fayette, Shelby, Hardeman and McNairy counties were to form one chancery division with court to be held in Somerville on the fourth Mondays in May and November of each year.
4. Acts of 1845-46, Chapter 4, provided that Fayette and Shelby counties should compose the seventh chancery division, and also provided that chancery court in Shelby County was to be held on the fourth Mondays in May and November.
5. Acts of 1845-46, Chapter 21, provided that Shelby County constitute a separate chancery district and set the times for holding said court on the fourth Mondays of May and November in Memphis.
6. Public Acts of 1857-58, Chapter 88, prescribed the times and places of holding the chancery courts of the state. The Shelby County Chancery Court was held on the fourth Mondays of May and November in Memphis.
7. Public Acts of 1869-70, Chapter 28, reorganized the courts of Shelby County, creating the seventh chancery division, with two chancery courts. This was amended by Public Acts of 1875, Chapter 23, which abolished the second chancery court.
8. Public Acts of 1870, Chapter 32, divided the state into chancery divisions. Shelby County was placed in the twelfth chancery district.
9. Public Acts of 1870, Chapter 47, set the term of the chancery court in Shelby County for the first Mondays of April and October.
10. Public Acts of 1875, Chapter 23, abolished the second chancery court of Shelby County and transferred all papers and records of the second chancery court to the first chancery court of Shelby County.
11. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into chancery divisions. The chancery court of Shelby County was placed in the eleventh chancery division and was set to take place on the first Mondays in April and October.
12. Public Acts of 1889, Chapter 186, conferred upon the probate court of Shelby County the same jurisdiction as was possessed by the chancery courts to authorize guardians to exceed the incomes derived from the estates of their wards in the maintenance, education and support of their wards.
13. Public Acts of 1895, Chapter 36, reorganized the chancery court of Shelby County, dividing it into two divisions. Public Acts of 1899, Chapter 64, repealed this act.



14. Public Acts of 1899, Chapter 427, divided the state into chancery divisions and set the times or holding said court. Shelby County was placed in the tenth chancery division and held chancery court on the first Mondays in January and July.
15. Acts of 1909, Chapter 90, Section 2, set the time of holding the chancery court of Shelby County to the first Mondays of October and April.
16. Acts of 1909, Chapter 391, also reorganized the chancery court of Shelby County, creating two divisions and dividing the case load equally between the two.
17. Public Acts of 1921, Chapter 101, set the salary of the clerk of the Shelby County Probate Court to \$7,500 per annum.
18. Private Acts of 1925, Chapter 417, amended the general law to provide that in Shelby County all executions from chancery court would be returnable on the first Monday of the month, coming not less than 30 days from the date of issuance of such execution.
19. Public Acts of 1931, Chapter 38, divided the state into chancery divisions and set the times of holding said court. Shelby County was placed in the tenth chancery division and held chancery court on the first Mondays in April and October.
20. Public Acts of 1955, Chapter 161, provided a secretary to the two chancellors of the tenth chancery division of the state, parts one and two, which heard chancery cases in Shelby County. This act was amended by Public Acts of 1963, Chapter 330, so as to provide a secretary to the three chancellors of the tenth chancery division, parts one, two and three, and to provide for their compensation.
21. Private Acts of 1967-68, Chapter 236, amended Public Acts of 1869-70, Chapter 86, to provide a schedule of fees to be paid as court costs to the clerk of the court. This act was repealed by Private Acts of 1980, Chapter 250.

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

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

1. Private Acts of 1917, Chapter 77, set the salary of the Shelby County Chancery Court Clerk to \$4,500 per annum.
2. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Chancery Court Clerk to \$6,000 per annum.
3. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Chancery Court Clerk to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the chancery clerk and probate clerk to \$7,200 per annum.
4. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Chancery Court Clerk to \$6,500 per annum and setting the salary of the probate court clerk to 8,000 per annum.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Shelby 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. Public Acts of 1821, Chapter 42, placed Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry counties in the eighth judicial circuit.
2. Public Acts of 1821, Chapter 65, provided that appeals in the nature of writs of error from the eighth judicial circuit were to be made to the supreme court of errors and appeals for the sixth circuit at Columbia.
3. Public Acts of 1823, Chapter 41, set the time for holding the Shelby County Circuit Court on the second Mondays in April and October.
4. Private Acts of 1824, Chapter 102, set the time for holding the Shelby County Circuit Court to the first Mondays in April and October.
5. Private Acts of 1825, Chapter 318, set the time for holding the Shelby County Circuit Court to the second Mondays in June and December.
6. Public Acts of 1829-30, Chapter 52, placed the counties of Shelby, Wayne, Hardin, McNairy, Hardeman and Fayette in the tenth judicial circuit.
7. Public Acts of 1835-36, Chapter 5, established circuit courts throughout the state. The counties of Shelby, Fayette, Hardeman, McNairy, Hardin and Wayne composed the eleventh judicial circuit.

Shelby County held its circuit court on the first Mondays in January, May and September.

8. Acts of 1837-38, Chapter 116, Section 7, changed the times of holding the Shelby County Circuit Court to the first Mondays in February, June and October.
9. Acts of 1845-46, Chapter 21, placed Shelby County in the eleventh judicial circuit and set the times for holding said court to the first Mondays in January, May and September.
10. Acts of 1851-52, Chapter 352, changed the times of holding the circuit court of Shelby County to the third Mondays of January, May and September.
11. Public Acts of 1857-58, Chapter 98, prescribed the times and places of holding the circuit courts of the state. The Shelby County Circuit Court was placed in the fifteenth judicial circuit and held circuit court on the third Mondays in January, May and September.
12. Private Acts of 1865-66, Chapter 103, authorized the clerks of circuit and county courts of Shelby County to keep their office in Memphis as well as in Raleigh.
13. Public Acts of 1867-68, Chapter 4, changed the times of holding the circuit court of Shelby County to the fourth Mondays of January, May and September.
14. Public Acts of 1869-70, Chapter 28, reorganized the circuit courts in Shelby County, by creating the twentieth judicial circuit, containing only the courts of Shelby County. The twentieth judicial circuit was to have three circuit courts and one criminal court. Public Acts of 1875, Chapter 23, amended this act to abolish the second circuit court, and Public Acts of 1883, Chapter 183, was another amendatory act which changed the term of circuit court.
15. Public Acts of 1870, Chapter 31, laid the state off into judicial circuits. The fifteenth circuit was composed of the two circuit courts of Shelby County.
16. Public Acts of 1870, Chapter 46, fixed the time for holding the circuit courts of the state. The circuit court of Shelby County was set for the third Mondays in January, May and September.
17. Public Acts of 1870, Chapter 82, made the judge of the probate court the judge of the circuit court of Shelby County at Bartlett, and attached that court to the fifteenth judicial circuit. This act also provided for the election of an attorney general for the Bartlett Circuit Court.
18. Public Acts of 1870-71, Chapter 32, provided that the return of process issuing from the superior courts of law and chancery in Shelby County was to be returnable to the newlyestablished circuit and chancery courts in Shelby County.
19. Public Acts of 1873, Chapter 68, provided that the circuit court of Shelby County shall have jurisdiction throughout the county except in the fifth, thirteenth and fourteenth civil districts of said county or the City of Memphis.
20. Public Acts of 1875, Chapter 23, abolished the second circuit court of Shelby County and styled the first circuit court of Shelby County as the Shelby County Circuit Court. All records of the second circuit court were transferred to the first circuit court of Shelby County.
21. Public Acts of 1879, Chapter 230, withdrew the jurisdiction of the Bartlett Circuit Court from all portions of Shelby County south of the Wolf River.
22. Public Acts of 1885, Chapter 35, abolished the Bartlett Circuit Court of Shelby County and transferred its cases and records to the circuit court of Shelby County.
23. Public Acts of 1885, Chapter 140, authorized the county court to donate the Bartlett courthouse and grounds to the school directors of that school district, to be used for public educational purposes.
24. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. Shelby County was placed in the fourteenth judicial circuit in which the times for holding said court was set for the third Mondays in January, March, May, September and November.
25. Public Acts of 1893, Chapter 62, made the judge of the probate court of Shelby County and his successor in office, the judge of the circuit court of Shelby County. This act was repealed by Acts of 1905, Chapter 138.
26. Public Acts of 1893, Chapter 99, created the second circuit court of Shelby County to have exclusive jurisdiction over divorce cases from the circuit court and to give the circuit court, Division IV, appellate jurisdiction over all cases of appeal, certiorari and supersedeas. This was repealed by Acts of 1905, Chapter 137.
27. Public Acts of 1899, Chapter 62, made the judge of the probate court the judge of the second circuit court of Shelby County in addition to his other duties. This was repealed by Acts of 1905, Chapter 138.

28. Public Acts of 1901, Chapter 90, amended Public Acts of 1899, Chapter 427, by placing Shelby County in the fifteenth judicial circuit and setting the times for holding said court to the third Mondays of January, March, May, September and November.
29. Acts of 1907, Chapter 371, amended the circuit court reorganization Act of 1905 to remove jurisdiction over divorce cases from the circuit court and to give the circuit court, Division IV, appellate jurisdiction over appeals from all inferior courts in Shelby County, with the exception of the probate court. The 1905 reorganization act was further amended by Private Acts of 1925, Chapter 431, which provided that beginning with the first term of court after passage of that act, the judges of each of the four divisions would alternate as presiding judge of the circuit court. Both of these acts were repealed by Private Acts of 1927, Chapter 131.
30. Private Acts of 1911, Chapter 226, made unmarried women eligible to serve as deputies to the circuit court clerk, but also provided that they would immediately forfeit their office if they were to marry.
31. Private Acts of 1917, Chapter 430, regulated procedure in the circuit court of Shelby County.
32. Private Acts of 1919, Chapter 617, provided that appeals from all courts in Shelby County were to be taken to the Supreme Court of Tennessee, sitting in Nashville. This was repealed by Private Acts of 1963, Chapter 155.
33. Private Acts of 1925, Chapter 431, amended the general law to require all divorce proctors in Shelby County to endorse each bill for divorce in order to acknowledge service upon his office of a copy of the bill. This act also required that a fee of \$5.00 be paid to the office of divorce proctor before a bill for divorce could be filed. This act was repealed by Private Acts of 1927, Chapter 131.
34. Private Acts of 1925, Chapter 417, amended the general law to provide that in Shelby County all executions from the circuit and chancery courts were returnable on the first Monday of the month, coming not less than thirty days from the date of issuance of such execution.
35. Public Acts of 1931, Chapter 38, divided the state into judicial circuits and set the times for holding said court. Shelby County was placed in the fifteenth circuit and held circuit court on the third Mondays in January, March, May, September and November.
36. Private Acts of 1935, Chapter 180, gave the probate court of Shelby County the same jurisdiction over cases arising under the "Workmen's Compensation Law" as that exercised by the circuit court of Shelby County. This act was repealed by Private Acts of 1955, Chapter 199.
37. Private Acts of 1955, Chapter 223, amended Public Acts of 1870, Chapter 86, by setting a fee schedule to defray the cost of operating the court. This has been superseded by the fee schedule set by Private Acts of 1967-68, Chapter 236.
38. Private Acts of 1957, Chapter 124, attempted to amend Acts of 1870, Chapter 80, by increasing the salary of the probate judge to \$10,000 per year, but the provisions of this act were rejected by the quarterly county court of Shelby County and never became effective.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Shelby 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. Private Acts of 1917, Chapter 77, set the salary of the Shelby County Circuit Court Clerk to \$5,500 per annum.
2. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum.
3. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Circuit Court Clerk to \$5,000 per annum.
4. Private Acts of 1951, Chapter 160, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum.
5. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by fixing the salary of the Shelby County Circuit Court Clerk to \$6,000 per annum. This act was repealed by Private Acts of 1955, Chapter 90.

### **Criminal Court**

The following acts once pertained to the Shelby County Criminal Court, but are no longer current law.

1. Acts of 1843-44, Chapter 35, was the first act establishing a separate criminal court for Shelby County, establishing it at Memphis and providing for a criminal court clerk and a method of

appointing juries to serve in the criminal court.

2. Acts of 1845-46, Chapter 21, set the term of criminal court in Shelby County of the first Mondays in March, July and November of each year.
3. Acts of 1845-46, Chapter 145, increased the jurisdiction of the criminal court of Shelby County giving it civil jurisdiction in causes arising in the fifth, thirteenth and fourteenth civil districts in Memphis, South Memphis and Fort Pickering, and provided that the criminal court judge should receive an additional salary of \$1,500 per year for his services in presiding over civil cases.
4. Public Acts of 1870, Chapter 46, set the time for holding the criminal court of Shelby County to the third Mondays of January, May and September.
5. Acts of 1885 (Ex. Sess.), Chapter 20, set the time for holding the Shelby County Criminal Court for the third Mondays in January, May and September.
6. Public Acts of 1899, Chapter 427, created a special criminal court for Shelby County which became known as the Shelby County Criminal Court with jurisdiction over all criminal cases arising in the county.
7. Private Acts of 1901, Chapter 435, set the term of the criminal court of Shelby County on the third Mondays in January, May and September.
8. Acts of 1905, Chapter 215, made applicable to Shelby County a law regulating the collection of costs in criminal cases arising under the small offenses law.
9. Acts of 1907, Chapter 351, reorganized the criminal court of Shelby County, creating two divisions. This was amended by Acts of 1909, Chapter 445, which made the jurisdiction of both divisions equal and coordinate.
10. Private Acts of 1919, Chapter 225, authorized the criminal court judges to appoint a stenographer, who would receive an annual salary of \$1,200.
11. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Criminal Court Clerk to \$6,000 per annum.
12. Private Acts of 1923, Chapter 201, set the salary of the chief probation officer at \$1,800 per year.
13. Public Acts of 1931, Chapter 38, placed the criminal court of Shelby County in the fifteenth circuit and set the time for holding said court on the third Mondays in January, May and September.
14. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Criminal Court Clerk to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the criminal court clerk to \$6,000 per annum.
15. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the criminal court clerk to \$6,000 per annum.
16. Private Acts of 1957, Chapter 280, attempted to create a probation officer for the fifteenth judicial circuit of Tennessee, but this act was not approved by local authorities and the officer never came into existence.
17. Public Acts of 1965, Chapter 266, reorganized the criminal court of Shelby County, it created four divisions, defined jurisdiction of said court, provided for an additional judge for said court and defined the duties of the clerk and the attorney general of said court.

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

The following acts once affecting Shelby 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 1821, Chapter 42, placed Henderson, Madison and Shelby counties in the fourteenth solicitorial district.
2. Public Acts of 1897, Chapter 24, authorized that districts attorneys in counties with populations over 50,000, based on the Federal Census of 1890, receive a compensation of \$1,200 per annum. This act was amended by Private Acts of 1923, Chapter 386, to allow the district attorney to hire three more assistants at an annual salary of \$1,800 per year. Private Acts of 1925, Chapter 401, amended Private Acts of 1923, Chapter 386, by raising the salary to \$2,700 per year for the first assistant district attorney general and raised the salary of the second and third assistant district attorney generals to \$1,800 per year.
3. Public Acts of 1897, Chapter 58, authorized county courts in counties having a population of more than 80,000, according to the Federal Census of 1890, to appropriate additional compensation to the district attorney general.

4. Acts of 1907, Chapter 353, gave the district attorney the authority to hire an assistant at an annual salary of \$1,200 per annum.
5. Private Acts of 1911, Chapter 325, set the salary of assistant attorneys general in Shelby County at \$1,800 per year to be paid quarterly by the comptroller. This was amended by Private Acts of 1917, Chapter 485, to authorize an additional \$1,200 per year to be paid to assistant attorneys general in Shelby County.
6. Private Acts of 1913, Chapter 157, authorized the county court to increase the salaries of the district attorney and his assistants, as it deemed equitable, but not to exceed the amount of \$2,500 per year. This was amended by Private Acts of 1919, Chapter 209, which raised the amount to \$3,500 per year.
7. Private Acts of 1913, Chapter 270, amended Acts of 1909, Chapter 355, which applied only to the county attorney, to authorize attorneys for the state in Shelby County to appoint one deputy to assist in the enforcement of the law and the carrying out of the duties of the office of attorney for the state. Private Acts of 1925, Chapter 429, amended this act to raise the deputy's salary to \$2,100 per year and these acts were repealed by Private Acts of 1927, Chapter 507.
8. Private Acts of 1917, Chapter 39, provided that \$1,200 per year could be appropriated from the county treasury for the office expenses of the district attorney general, if in the judgment of the board of county commissioners such appropriation was necessary and proper to assist the district attorney in law enforcement.
9. Private Acts of 1917, Chapter 448, authorized the district attorney in Shelby County to appoint a stenographer to render clerical assistance in connection with the business of that office, at an annual salary of \$1,200. This was amended by Private Acts of 1921, Chapter 322, to raise that salary to \$1,500 per year, payable monthly from county funds.
10. Private Acts of 1919, Chapter 224, authorized the county court to contribute to the salary of a detective appointed by the district attorney general, but the total contribution was not to exceed \$600 per annum. Private Acts of 1919, Chapter 278, was identical to Chapter 224.
11. Private Acts of 1925, Chapter 704, provided \$1,800 for the payment of clerical hire and other necessary expenses incurred for the district attorney general of Shelby County.
12. Private Acts of 1929, Chapter 531, provided for two more assistant attorneys general to be hired at an annual salary of \$2,700.
13. Private Acts of 1947, Chapter 518, was a comprehensive salary act setting the salaries of various county officials in Shelby County, including the additional compensation to be paid by Shelby County to the district attorney general, three assistant district attorneys general, one deputy district attorney general, and one criminal investigator for the district attorney's office.
14. Private Acts of 1951, Chapter 376, was the beginning of a series of private acts which set the additional salaries to be paid to the district attorney, members of his staff, and his office expenses, by the county of Shelby in addition to the compensation paid by the state.
15. Public Acts of 1951, Chapter 54, provided an executive assistant district attorney general, an additional assistant district attorney general, and additional criminal investigator, and a secretary to the district attorney general for the fifteenth judicial circuit and provided for their selection, compensation and duties.
16. Private Acts of 1953, Chapter 307, amended Private Acts of 1951, Chapter 376, by providing additional compensation, clerical and other incidental expenses to be paid to the district attorney general.
17. Public Acts of 1953, Chapter 100, amended Public Acts of 1951, Chapter 54, by increasing the salary of the assistant district attorney general to \$4,800 per annum and increasing the salary of the secretary to the district attorney general to \$3,600 per annum.
18. Private Acts of 1957, Chapter 278, amended Private Acts of 1951, Chapter 376, by setting the salary of the district attorney general \$5,000 per annum; the salary of the two assistant district attorneys general to \$2,700 per annum; the salary of the two assistant district attorneys general \$2,100; the salary of the two criminal investigators to \$900 per annum and in addition, the district attorney general was paid \$2,400 per annum for incidental expenses in his office.
19. Private Acts of 1957, Chapter 282, which raised the salary of the secretary to the district attorney general in Shelby County.
20. Private Acts of 1959, Chapter 96, created the position of three additional assistant district attorneys general and provided for one additional secretary in the district attorney's office. This was amended by Private Acts of 1961, Chapter 135, Private Acts of 1963, Chapter 241 and Private

- Acts of 1965, Chapter 121, all of which effected the salaries of the assistant district attorneys general and secretary.
21. Private Acts of 1959, Chapter 97, amended Private Acts of 1951, Chapter 376, by fixing the compensation of such assistants, deputies and investigators, and the amount of additional compensation, clerical and other incidental expenses to be paid to the district attorney general.
  22. Private Acts of 1961, Chapter 133, amended Private Acts of 1951, Chapter 376, by fixing the compensation of such assistants, deputies and investigators, and the amount of additional compensation, clerical and other incidental expenses to be paid to the district attorney general.
  23. Private Acts of 1961, Chapter 134, amended Public Acts of 1951, Chapter 54, by increasing the salary of the assistant attorney generals of Shelby County to \$8,500 per annum; the salary of the criminal investigator to \$8,000 and increasing the salary of the secretary to the district attorney general to \$4,200 per annum.
  24. Private Acts of 1963, Chapter 241, amended Private Acts of 1959, Chapter 96, to fix the compensation of the assistants and secretary.
  25. Public Acts of 1963, Chapter 322, provided for three additional criminal investigators and one additional secretary to the district attorney general for the fifteenth judicial circuit and provided for their selection, compensation and duties.
  26. Public Acts of 1963, Chapter 341, amended Public Acts of 1951, Chapter 54, raising the salary of the secretary to the district attorney general of the fifteenth district, to \$4,600 per annum.
  27. Private Acts of 1965, Chapter 153, provided for the appointment of one additional assistant attorney general, one additional criminal investigator, and one additional secretary to the district attorney general for the fifteenth judicial circuit, and provided for their compensation by Shelby County in addition to their salaries from the state.
  28. Private Acts of 1965, Chapter 154, authorized the appointment of three additional assistant attorneys general for Shelby County and provided that Shelby County would pay them an additional \$2,200 per year in addition to the salary paid from the state treasury.
  29. Public Acts of 1965, Chapter 270, amended Public Acts of 1963, Chapter 322, by increasing the salary of the criminal investigators to \$7,500 per annum and increasing the salary of the secretary to the district attorney general to \$4,000 per annum.
  30. Private Acts of 1967-68, Chapter 130, reorganized and consolidated the salary and compensation schedule of the district attorney general in Shelby County. The district attorney was to receive \$5,000 per annum. In addition, this act set the salaries of the assistants, deputies, investigators and secretaries to the district attorney. Private Acts of 1969, Chapter 86, increased the salary of the district attorney to \$7,500 per annum and also increased the salary of the assistants, deputies, investigators and secretaries to the district attorney. Private Acts of 1970, Chapter 211, further amended Chapter 130, by providing that the salaries of the persons occupying the positions in the district attorneys office be authorized by an appropriate resolution or resolutions of the county court of Shelby County.
  31. Private Acts of 1967-68, Chapter 198, provided an administrative assistant district attorney general and an additional secretary to the district attorney general for the fifteenth judicial circuit, and provided for their appointment, compensation and duties.
  32. Public Acts of 1968, Chapter 487, provided that the duly appointed and acting criminal investigators of the district attorney general of the fifteenth judicial circuit shall have the same authority and power as deputies of the county sheriffs.
  33. Public Acts of 1968, Chapter 580, set the salaries of secretaries to the district attorney in the fifteenth judicial circuit. This was amended by Public Acts of 1970, Chapter 400, and Public Acts of 1971, Chapter 64. Public Acts of 1973, Chapter 233, repealed of all these acts and set the salaries of the secretaries ranging from \$4,800 to \$4,200 per annum.
  34. Public Acts of 1970, Chapter 603, created four additional assistant district attorneys general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
  35. Public Acts of 1970, Chapter 604, created an additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for the appointment, compensation and duties of said secretary.
  36. Public Acts of 1971, Chapter 63, created one additional assistant district attorney general for the fifteenth judicial circuit of the state and provided for the appointment, compensation and duties of said assistant.

37. Private Acts of 1972, Chapter 349, created one additional assistant district attorney general, one additional criminal investigator, one additional secretary and one file clerk to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
38. Public Acts of 1973, Chapter 233, provided for the appointment and compensation of secretaries and file clerks to the district attorney general of the fifteenth judicial circuit.
39. Public Acts of 1974, Chapter 716, created three additional assistant district attorneys general and one additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
40. Public Acts of 1974, Chapter 717, created two additional criminal investigators and one additional secretary to the district attorney general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties.
41. Public Acts of 1976, Chapter 734, created six additional assistant district attorneys general for the fifteenth judicial circuit of Tennessee and provided for their appointment, compensation and duties. This act was amended by Public Acts of 1978, Chapter 868, by providing that the remaining three assistant district attorneys general positions serve at Division VII of the criminal court of Shelby County.
42. Public Acts of 1976, Chapter 810, created three additional assistant district attorneys general for the district attorney general of the fifteenth judicial circuit and provided for their appointment, compensation and duties.

### **General Sessions Court**

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

1. Private Acts of 1978, Chapter 199, would have amended Private Acts of 1941, Chapter 123, by creating a seventh division of the Shelby County General Sessions Court, but this act was rejected by local officials and never became law.

### **Juvenile Court**

The following acts once affecting juvenile courts in Shelby County are included herein for reference purposes.

1. Public Acts of 1895, Chapter 60, established and provided for a system of reformatory institutions for youthful persons throughout the state. This act was amended by Private Acts of 1917, Chapter 484, by providing that in Shelby County a child between the ages of nine and seventeen years could be committed to a reformatory; and this act gave the chairman of the county court the power to commit a child upon recommendation of the juvenile court judge. This act was further amended by Public Acts of 1935 (Ex. Sess.), Chapter 12, by allowing counties to abolish the reformatory institutions and the board of trustees thereof and to provide for the disposition of any property owned by the reformatory institution and the disposition of any inmates thereof, and the payment of their maintenance.
2. Acts of 1907, Chapter 110, amended the "Tennessee Juvenile Court Law" found in the Acts of 1905, Chapter 516, to make it applicable to counties with a population of over 100,000 according to the Federal Census of 1900.
3. Acts of 1909, Chapter 474, amended the "Tennessee Juvenile Court Law" found in Acts of 1905, Chapter 516, to make it applicable only to Shelby County. This act conferred jurisdiction on the city court of Memphis to hear juvenile cases, with the city court judge to be the judge of the juvenile court, with the power of commitment. Under the provisions of this act, five Memphis policemen would serve as probation officers.
4. Private Acts of 1913, Chapter 29, amended general law on juvenile reformatories to provide that in Shelby County such institutions would be under the control and management of a board of five trustees.
5. Private Acts of 1917, Chapter 294, amended the general law on juvenile courts, Public Acts of 1911, Chapter 58, by providing that the juvenile judge in Shelby County was to be elected by the city commissioners of the county seat of Shelby County, upon nomination of the mayor.
6. Private Acts of 1919, Chapter 752, further amended Public Acts of 1911, Chapter 58, to provide that the salary of the judge of the juvenile court would be fixed by the city government of the county seat of Shelby County, provided that it did not exceed \$200 per month.
7. Private Acts of 1939, Chapter 530, amended Private Acts of 1935, Chapter 387, by setting the

salary of the juvenile court judge to \$4,300 per annum.

8. Private Acts of 1951, Chapter 152, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$6,000 per annum, payable in equal monthly installments.
9. Private Acts of 1953, Chapter 284, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$7,000 per annum, payable in equal monthly installments.
10. Private Acts of 1955, Chapter 9, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$7,500 per annum, payable in equal monthly installments.
11. Private Acts of 1959, Chapter 182, amended Private Acts of 1939, Chapter 530, by setting the salary of the juvenile court judge to \$9,500 per annum, payable in equal monthly installments.
12. Private Acts of 1972, Chapter 304, attempted to amend Private Acts of 1967-68, Chapter 219, by raising the salary of the juvenile court judge to \$23,500 per year, but the provisions of this act were not approved by the quarterly county court and did not become effective.

### **Secretarial Assistance**

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

1. Private Acts of 1919, Chapter 33, gave the probate judge the authority to hire a secretary, whose annual salary was to be \$1,200. This act was repealed and the position abolished by Private Acts of 1933, Chapter 453.

---

**Source URL:** <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-43>