



July 22, 2024

Chapter V - Court System

Dear Reader:

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

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

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

Sincerely,

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

Table of Contents

Chapter V - Court System 3
General Sessions Court 3
Private Acts of 1955 Chapter 140 3
Juvenile Court 5
Clerk 5
Private Acts of 2002 Chapter 98 5
Court System - Historical Notes 5

Chapter V - Court System

General Sessions Court

Private Acts of 1955 Chapter 140

SECTION 1. That there is hereby created and established a Court in and for Robertson County, which shall be designated as the Court of General Sessions of Robertson County. Said County shall provide a courtroom at the County seat and all necessary supplies for the equipment and maintenance of said Court, and shall defray the expenses thereof from the general funds of said County.

SECTION 2. That said Court of General Sessions is hereby vested with all of the present and future jurisdiction and shall exercise the present and future authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said County elected for any district except the district in which Springfield is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process of any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. 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 or to administer oaths is in no wise affected by this Act.

As amended by: Private Acts of 1971, Chapter 14

SECTION 3. That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a sufficient cost bond with good security or by making a cash cost deposit, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

It shall be the duty of the clerk of such Court hereinafter provided for, not later than thirty (30) days after judgments of the Court of General Sessions shall become final, to issue an execution against the party against whom the cost thereof shall have adjudged. Likewise, in case of the inability to collect the costs from such party against whom they have been adjudged, evidenced by the return of an execution nulla bona, it shall be the duty of the Clerk, not later than thirty (30) days after the return of such execution, to undertake to collect from the successful party all costs accruing at the instance of such successful party.

SECTION 4. That the rules of pleading and practice, forms of writs and process and stay of appeals from the judgements in civil cases of said Court shall be the same as of Justice of the Peace.

SECTION 5. That in all matters and costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and the 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 said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it, shall be handled, accounted for and disbursed as required by law.

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

Also there shall be kept a criminal docket in which shall be entered the disposition of all criminal cases disposed of by the Court of General Sessions, which docket shall show as to misdemeanors now within the jurisdiction of Justices of the Peace under the small offense law, the name of the defendant, the charge against him, and the disposition of the case, as provided by law. In cases in which Justices of the Peace do not now have jurisdiction under the general law, the Clerk shall be under the duty to procure a minute book and in such minute book he shall enter the action of the Court by appropriate minute entry, setting

forth the name of the defendant, his arraignment upon the charge against him, his plea, his waiver of right of trial and his consent to be tried by the Court of General Sessions upon such charge. Likewise, there shall be entered therein a judgment of the Court of General Sessions upon such criminal offense, cognizable by the Court of General Sessions on the waiver of the defendant under subsequent provisions of this Act.

SECTION 7. That there shall be one Judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

This judge of said Court, as a condition precedent to his election, shall be a licensed attorney, actively engaged in the practice of law, and no person shall be eligible for election to said office of Judge unless such person has been duly licensed to practice law in this State by the appropriating authorities. The Judge of the Court of General Sessions shall also possess power to issue fiats for extraordinary process returnable to the appropriate Court in which such suit is to be filed.

As amended by: Private Acts of 1965, Chapter 221

SECTION 8. That the compensation of said Judge shall be \$4,800.00 per annum payable in equal monthly installments from the general funds of said County, and such salary shall not be increased or decreased during the time for which said Judge is elected. Such Judge shall devote all his working time to the duties of his office and shall not be permitted to practice law in any Court of the State during his incumbency, or to practice law otherwise.

SECTION 9. That for the purpose of filling vacancies occasioned by the creation of such Judgeship, W. Earl Swann is hereby designated and appointed as such Judge, who shall serve until the August election of 1956, or until his successor shall be elected and qualified. At the August election, 1956, there shall be elected some person possessing the qualifications required who shall serve until September 1, 1958. At the August election, 1958, there shall be elected a Judge who shall possess qualifications, who shall hold office for a term of eight years from September 1, 1958, next following his election.

SECTION 10. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, 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 he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such Judge for the occasion.

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

SECTION 12. That the Clerk of the Circuit Court of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of the Court of General Sessions of Robertson County". The fees, commissions and emoluments of said Court of General Sessions shall belong to the Clerk thereof except as to process issued by the Judge, who shall inure to the County, subject to the provision of the law known as the Anti-Fee Bill and all amendments thereto.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

It shall be the express duty of the Clerk of said Court to keep all dockets required by this Act; to write all minute entries required herein, and to promptly make any and all entries necessitated by this statute. In case of the failure or dereliction of the Clerk so to do, he shall be subject to ouster proceedings as now provided by general statute.

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

SECTION 14. That said Court shall have authority to hear and determine all undisposed of cases arising in the present Court of General Sessions of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do but for this Act.

SECTION 15. That the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court upon warrant wherein the person charge with such misdemeanor offense enters a plea of guilty or request trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases, the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter

such judgment, and, as an incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State; and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanor for which the minimum punishment is a fine of more than \$50.00.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Circuit Court of Robertson County upon executing an appearance bond and likewise executing bond for the amount of fines and costs, or in lieu thereof, taking the oath prescribed by law for paupers. Such appeal, when properly taken to the Circuit Court of Robertson County, shall be tried by the Judge of the Circuit Court without a jury and without indictment and presentment, and upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case.

SECTION 16. That the General Assembly expressly declares that each section, subsection, paragraph and provisions of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the General Assembly declared that it would have enacted this act with such unconstitutional or invalid portions elided therefrom.

SECTION 17. That the Court of General Sessions in Robertson County, Tennessee, be and is vested with full power to punish for contempt of Court.

SECTION 18. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court for Robertson County, on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. 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 19. That this Act shall take effect on July 1, 1955, after its passage and the approval of the Quarterly County Court of Robertson County, as aforesaid, the public welfare requiring it.

Passed: February 23, 1955.

Juvenile Court

Clerk

Private Acts of 2002 Chapter 98

SECTION 1. Effective July 1, 2002, the Circuit Court Clerk shall maintain the records, dockets and perform such duties as may be necessary for the disposition of all juvenile matters coming before the General Sessions Court.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Robertson County. Its approval or nonapproval shall be proclaimed by the presiding officer of Robertson County and certified 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 as provided in Section 2.

Passed: March 18, 2002.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following acts once affected jurors or boards of jury commissioners in Robertson County, but are no longer operative.

1. Acts of 1799, Chapter 40, fixed the number of jurors in the county of the Mero District who would be required to go to the Superior Court of that District. Davidson County would send ten jurors;

Sumner, seven; Smith, four; Wilson, four; Robertson, five; Montgomery, five; and, Williamson, Five.

2. Acts of 1803, Chapter 73, determined the number of jurors to be sent to the Superior Court of the Mero District by each county in the District. Robertson County would provide four jurors for the court under the terms of this Act.
3. Acts of 1806, Chapter 24, re-annexed Wilson County to the Mero District which now included the counties of Davidson, Sumner, Wilson, Williamson, and Rutherford, the former District having been divided into three Districts, Mero, Robertson, and Winchester. The Robertson District contained the county of Montgomery which would send 12 jurors to the Superior Court of the District at Clarksville. Dickson which would furnish nine, Stewart, seven and Robertson which would be responsible for eleven.
4. Acts of 1817, Chapter 128, made it lawful for the Quarterly Courts, or Courts of Pleas and Quarter Sessions, in the county of Hawkins, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson and Dickson, on the first day of the first session of the year to levy a tax to make an additional compensation for the jurors attending the circuit and the county courts, provided a majority of the Justices were present and voted in favor of the same, and that the added compensation did not exceed fifty cents per day.
5. Private Acts of 1925, Chapter 169, created a three member Board of Jury Commissioners for Robertson County who would be a resident, free holder for at least two years, who could not be attorneys or state and county officials, and who would be appointed by the circuit court judge. The Circuit Court Clerk would serve as the clerk for the Board. Members of the Board would be sworn by the oath subscribe in the act, serving for a term of one year, vacancies being filled in the same manner as original appointments. Members would serve when appointed to satisfy the Judge with their excuses. The Board would meet in the office of the circuit court clerk within 20 days after appointment where all meetings would be held. No later than three weeks prior to the opening of the court terms the Board would meet and select from the tax rolls no less than 750 names and no more than 1250, all of whom would be listed alphabetically in a book furnished by the clerk and the list certified by the signature of all members of the Board. Their names would also be written on separate pieces of paper and put into a metal jury box which would be locked and sealed and kept in the custody of the clerk who would also keep all other records. No later than two weeks preceding the court term, the jury box would be brought out and opened in the presence of the Board, and a child under the age of ten would draw out the number of names specified in the order of the Judge. These names would be compiled into a list, likewise certified by the Board, and sent to the Judge of the Court. No later than ten days before the court term the latter list would be sent to the Sheriff who would subpoena the jurors. No one could be executed except by the Judge. The Commissioners would be paid \$3 daily for each day devoted to this responsibility. See *Cooley v. State*, 174 Tenn. 170, 124 S.W.2d 251 (1939).
6. Private Acts of 1927, Chapter 278, amended Private Acts of 1925, Chapter 169, above, in Section 7 so as to provide for the formation and summoning of special jury panels who would be assembled in which case the Judge would draw the names out of the box. Section 12 was changed to increase the maximum amount a Commissioner could be paid annually from \$30 to \$50.
7. Private Acts of 1937, Chapter 258, amended Private Acts of 1925, Chapter 169, by adding a provision at the end of Section 7 which granted to the Judges of the Criminal and Chancery Courts, or of any other court having the right to try cases by jury, to direct the drawings of the jury panels from the Jury Box, and, further, to direct the Sheriff in the summoning of additional jurors for the court. No irregularities in the actions of the Judges would void any actions taken under the terms of this act.
8. Private Acts of 1953, Chapter 533, stated that the Foreman of the Grand Jury in Robertson County would be paid at the rate of \$7.50 per day for each day's attendance upon the business of the Grand Jury, said sum to be in the place and stead of any and all other compensation. This compensation would be paid out of the county general fund.
9. Private Acts of 1955, Chapter 112, amended Private Acts of 1925, Chapter 169, the Board of Jury Commissioner's law in Robertson County, in Section 4 by increasing the minimum number of names to be taken from the tax rolls as perspective jurors from 750 to 1250, and the maximum number from 1250 to 2500.
10. Private Acts of 1955, Chapter 114, amended Private Acts of 1925, Chapter 169, by increasing the maximum amount which could be paid to a member of the Board of Jury Commissioners from \$30 to \$100 per year. This Act was properly ratified.

Chancery Court

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

1. Acts of 1821, Chapter 20, recited in its preamble that many papers and records were lost where the office of the clerk and master of the chancery court burned in 1795, and that a previous act of the Legislature (not cited) provided that affidavits of the contents of those records would be accepted as proof of the substance of those documents. Since the titles to lands and to slaves were required to be registered, this act declared that similar affidavits on the questions would be sufficient to establish title to the particular property when obtained from the chancery court and could be registered as evidence of ownership.
2. Acts of 1822, Chapter 13, provided that the chancery courts of Tennessee would be held at least once each year by the Justices of the Supreme Court at the places where the Supreme Court met during the year. The Courts of Equity would be in Rogersville on the first Monday in November, in Charlotte on the fourth Monday in December, in Sparta on the second Monday in December, in Nashville on the fourth Monday in January, and in Columbia on the second Monday in January. Terms of Court would be for two weeks unless the dockets were finished prior to that time.
3. Acts of 1824, Chapter 20, required the Justices of the Supreme Court which would meet at Knoxville, Sparta and Nashville to arrange among themselves to hold the chancery courts of the state at least twice each year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte and Jackson. The court at Charlotte would hear the cases arising in the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman on the third Monday in June and December.
4. Acts of 1827, Chapter 79, divided the State into two chancery divisions, the Eastern which contained the courts meeting at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western which included the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
5. Acts of 1835-36, Chapter 3, pursuant to the new constitutions of the state relieved the Justices of the Supreme Court from the duty of conducting the chancery courts across the state and required that the Supreme Court meet at Knoxville for the Eastern Division, at Nashville for the Middle Division and at Jackson for the Western Division, each Division furnishing one of the three judges constituting the court. Robertson and 23 other counties were assigned to the Middle Division.
6. Acts of 1835-36, Chapter 4, formed three chancery divisions in Tennessee, each to be presided over by a chancellor instead of the Justices of the Supreme Court, the chancellors being appointed by the General Assembly. The grand divisions were each broken down further into chancery districts. Robertson County was in the 14th District of the Middle Division with Sumner County. Court would convene at Gallatin in Sumner County on the second Monday in April and October but complainants from Robertson had the option of filing the bills here or at Clarksville in Montgomery County.
7. Acts of 1837-38, Chapter 14, set up a chancery court at Charlotte for the counties of Dickson, Humphreys, Hickman, Stewart, Montgomery, and Cumberland, where the terms of court would start on the fourth Monday in March and September. The citizens of Robertson County could file their pleadings in this court, at Clarksville, or in Gallatin.
8. Acts of 1839-40, Chapter 66, provided that the causes in chancery now pending in the court in Charlotte which originated in the counties of Montgomery, Robertson or Stewart, could, at the request of any of the parties, be transferred to the court at Clarksville. The Clerk and Master at Charlotte was directed to transfer the complete files and manuscripts within 40 days of the request.
9. Acts of 1843-44, Chapter 169, stated that the chancery court at Springfield in Robertson County would be held on the fourth Monday in January and July in each year with the chancellor of the Middle Division presiding over the court. The people of Robertson County would hereafter file their suits in this court.
10. Acts of 1845-46, Chapter 168, stated that hereafter the chancellor of the Middle Division would hold the chancery court at Charlotte and Clarksville and the chancellor of the Fourth Division would preside over the courts at Springfield, and Gallatin. The terms of court were not changed in Springfield.
11. Acts of 1851-52, Chapter 87, transferred the chancery court at Springfield in Robertson County to the Middle Division of the courts whose chancellor would hereafter supervise the court at Springfield.

12. Acts of 1851-52, Chapter 178, rescheduled the terms for the chancery courts in the Middle Division of Tennessee which contained the counties of Wayne, Lawrence, Giles, Marshall, Hickman, Humphreys, Dickson, Robertson, Maury, Williamson, Stewart, Montgomery, and Davidson. Robertson County's court would meet on the first Thursday after the second Monday in March and September.
13. Acts of 1853-54, Chapter 55, modified some of the rules of practice in the chancery courts and in Section 4 rearranged court terms for most of the counties in the Middle Division. Robertson County's chancery court terms would begin on the first Monday in June and December. Other counties remaining in the Middle Division were Dickson, Humphreys, Maury, Blount, Monroe, Wayne, McNairy, Sumner, Stewart, Montgomery, and Rhea.
14. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Division. The Middle Division was composed of the counties of Marshall, Cheatham, Giles, Maury, Lewis, Williamson, Stewart, Montgomery, Davidson, and Robertson whose court would convene on the first Monday of June and December at Springfield.
15. Acts of 1859-60, Chapter 14, created the Seventh Chancery Division with the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith and Stewart being assigned to that division. The Chancellor of this Division was also given all the jurisdiction of the circuit court judges and would preside over the circuit court at Gallatin in Sumner County. The chancery court terms in Robertson County would begin on the first Monday in June and December.
16. Acts of 1859-60, Chapter 106, provided that, after the next regular term of court in Robertson County, the Chancery Court would meet on the first Monday in May and Thursday before the third Monday in November.
17. Acts of 1859-60, Chapter 148, rescheduled the opening dates for the terms of the chancery court of Robertson County to the first Monday in May and November provided that the next term would commence on the first Monday in June.
18. Acts of 1859-60, Chapter 187, stated that the chancery court for Robertson County, after the next regular term was concluded, would meet in Springfield on the first Monday in May and the first Thursday after the second Monday in November each year.
19. Acts of 1868-69, Chapter 18, established the opening dates of the Chancery Court terms for each county in the Seventh Chancery Division which contained the counties of Jackson, Macon, Sumner, Stewart, Montgomery, and Robertson where the chancery court would convene on the second Monday in May and the third Monday in September each year. 20. Acts of 1870, Chapter 32, was a complete reorganization of the Courts in Equity all across the State into twelve chancery districts. The Sixth District was composed of the counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham, and Trousdale, if that county was established.
20. Acts of 1870, Chapter 47, set up the schedule of the opening dates of the terms for every chancery court in the State of Tennessee. The Chancery Court of Robertson County would take up the dockets on regular terms beginning the fourth Monday in March and October.
21. Acts of 1873, Chapter 12, rearranged the chancery court terms in the Sixth Chancery Division. Robertson County would convene its chancery court on the fourth Monday in March and the third Monday in September both at Springfield. All appearance bonds and process were to be made to conform to those dates.
22. Acts of 1877, Chapter 47, mentioned that the Sixth Chancery Division included the counties of Sumner, Trousdale, Montgomery, Houston, Stewart, Cheatham, Wilson, and Robertson where court terms would begin on the third Monday in May and November at the court house in Springfield.
23. Acts of 1879, Chapter 36, again shuffled the opening dates for chancery court terms in the Sixth Chancery Division. The counties in the Sixth Division were Sumner, Trousdale, Stewart, Houston, Montgomery, Wilson, Cheatham, and Robertson whose court would officially begin on the fourth Monday in April and November.
24. Acts of 1883, Chapter 21, rearranged the schedule for chancery court terms in the Sixth Chancery Division. In Robertson County the chancery court would meet at Springfield on the second Monday in May and the fourth Monday in November.
25. Acts of 1885 (Ex. Sess.), Chapter 20, was a major overhaul of the lower judicial structure in the State of Tennessee in which eleven chancery divisions were formed. The 8th Chancery Division was made up of the counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale. Robertson County's chancery court would continue to meet on the second Monday in May and the fourth Monday in November. (This Act was cited by

the Supreme Court in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958))

26. Acts of 1895, Chapter 13, detached Montgomery County from the 8th Chancery Division and made provision that the Judge of the county and criminal courts of the county would hereafter also hold the chancery court for Robertson but would not be paid any additional compensation for doing so.
27. Acts of 1899, Chapter 427, was a complete revision of the lower judicial system in Tennessee, which formed ten chancery divisions. The 6th Chancery Division was composed of the counties of Robertson, Montgomery, Sumner, Cheatham, Stewart, Houston, Dickson, Humphreys, Hickman, Wilson. The courts in Robertson County would open on the third Monday in May and the fourth Monday in November.
28. Private Acts of 1905, Chapter 286, established new terms of court for all the chancery courts in the 6th Chancery Division, which were in the counties of Hickman, Montgomery, Cheatham, Wilson, Dickson, Sumner, Humphreys, Stewart, Houston, and Robertson where the court would start on the second Monday in January and July.
29. Private Acts of 1919, Chapter 455, rescheduled the opening dates for the terms of court for the Sixth Chancery Division, but Robertson County would continue to hold chancery court on the second Monday in January and July.
30. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower court system of Tennessee and was the last Act of this nature to appear in the volumes of Private Acts, all future changes being in the form of Code amendments by Public Act. There were 15 Chancery Divisions formed of which the Sixth Chancery Division contained the counties of Montgomery, Robertson, Stewart, Hickman, Cheatham, Houston, Dickson, Sumner, Humphreys and Wilson. Robertson County's chancery courts would continue meeting on the second Monday in January and July.
31. Public Acts of 1941, Chapter 27, amended Section 159, of the Code of Tennessee so as to initiate new chancery court terms in the 6th Chancery Division. The Chancery Courts in Robertson County would begin on the second Monday in January, March, May, July, September and November.
32. Private Acts of 1965, Chapter 220, created and established the domestic relations and workman's compensation court of Robertson County. This act was repealed by the Private Acts of 1996, Chapter 165. The jurisdiction of all previously filed cases in the court were to be assumed by the Chancery and Circuit Courts for Robertson County.

Chancery Court - Clerk and Master

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

1. Private Acts of 1909, Chapter 328, was a general state law regulating the annual salaries of the clerk and masters across the state establishing the sum of \$1,000 as the yearly compensation to which action the counties of Haywood and Robertson exempted themselves.
2. Private Acts of 1911, Chapter 529, amended Private Acts of 1909, Chapter 328, by raising the annual wages of the Clerk and Master of Robertson County from \$1,000 to \$1,200 and by changing the population figures quoted in the act in order to accomplish the above.
3. Private Acts of 1933, Chapter 564, provided that all the Clerk and Masters of Robertson County (identified by the use of the 1930 Federal Census figures) would receive as compensation for their services a sum not to exceed \$3,000 annually after September 1, 1934. If the fees, commissions, and emoluments of the office exceeded the \$3,000 in salary, the excess would be paid over to the Trustee of Robertson County to go into the public treasury. If the fees, commissions, and emoluments failed to equal the \$3,000 in wages, the amount collected would constitute the annual stipend of Robertson County Clerk and Master

Circuit Court

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

1. eferenced below are acts which repeal prior law without providing new substantive provisions. Acts of 1796, Chapter 30, which created Robertson County, provided that the first courts would be held at the home of Jacob McCarty.
2. Acts of 1806, Chapter 19, divided the Mero District into three separate districts, called Mero District, Winchester District, and Robertson District which included the counties of Robertson, Dickson, Montgomery and Stewart. The Superior Court for that District would meet in Clarksville on the first Monday in June and December with a normal term of twelve judicial days. This Act was repealed below.

3. Acts of 1809, Chapter 49, divided Tennessee into five judicial circuits of which the Fifth Judicial Circuit included the counties of Montgomery, Dickson, Hickman, Humphreys, Stewart, and Robertson. Court would be held twice each year in each county. The Circuit Court in Robertson County would open on the second Monday in April and October.
4. Acts of 1817, Chapter 111, provided that within forty days from the passage of this act the clerk of the court of appeals for the Fifth Judicial Circuit, to which Robertson County belonged, would remove his office to the courthouse in Charlotte in Dickson County. Court would open and be held at this court house on the dates specified by law. The act which formerly set up the court in Clarksville (Acts of 1806, Chapter 19) was repealed.
5. Acts of 1817, Chapter 138, scheduled court terms for the circuit courts of every county in Tennessee. In Robertson County the circuit court would take up the docket on the second Monday in April and October.
6. Acts of 1819, Chapter 154, changed the opening dates of the circuit court terms for several counties listed in the act. Although Robertson County was among them, the terms in that county were not changed from the second Monday in April and October.
7. Acts of 1825, Chapter 31, provided that all the cases appealed from the Fifth, Eighth, and Ninth Judicial Circuits would go to the court of appeals at Reynoldsburgh in Humphreys County, except those originating in Robertson County, Montgomery County, and Dickson County whose citizens were given the option of filing the appeals in Nashville.
8. Acts of 1831, Chapter 53, stated that all appeals and writs of error arising in the counties of Montgomery, Robertson, and Dickson would hereafter be taken to the Court of Appeals at Nashville from the circuit and chancery courts, if any of the parties in the case were residents of the above three counties.
9. Acts of 1835-36, Chapter 5, was enacted subsequent to the adoption of the 1835 Constitution. Circuit Courts would thereafter convene three times each year in regular term in every court in Tennessee. Of the eleven Judicial Circuits formed in the State, the Seventh was composed of the counties of Dickson, Hickman, Humphreys, Stewart, Montgomery and Robertson whose circuit court terms would start on the first Monday in January, May and September.
10. Acts of 1839-40, Chapter 16, declared that the circuit court of Robertson County would hereafter be held on the first Monday in June, October and February, but the next term would be held according to the schedule in effect under the law.
11. Acts of 1841-42, Chapter 27, changed the circuit court terms for the counties in the Seventh Judicial Circuit which were Robertson, Dickson, Stewart, Montgomery, and Humphreys. Robertson County, however, retained the first Monday in February, June and October as its opening date.
12. Acts of 1847-48, Chapter 49, reset the opening days of the terms of the circuit court in Montgomery County, Humphreys County, Stewart County and Robertson County which went to the second Monday in February, June and October.
13. Acts of 1859-60, Chapter 13, returned the opening dates of the Robertson County Circuit Court to the first Monday in February, June and October, all laws to the contrary notwithstanding.
14. Acts of 1870, Chapter 31, organized the lower judicial system of Tennessee into fifteen regular, and one special, judicial circuit, after the 1870 Constitution went into effect. The 10th Judicial Circuit contained the counties of Robertson, Montgomery, Stewart, Cheatham, Dickson, Humphreys and Sumner.
15. Acts of 1870, Chapter 46, established the opening dates of the circuit court terms for every county in the State. In Robertson County the circuit court would begin regular terms on the first Monday in February, June and October.
16. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen regular, and one special, Judicial Circuit in the next complete revision of the lower judicial structure. The 10th Judicial Circuit comprised the counties of Sumner, Robertson, Montgomery (for civil cases only), Stewart, Houston, Dickson, and Humphreys. Court would continue to meet in Robertson County at Springfield on the first Monday in February, June and October.
17. Acts of 1889, Chapter 98, amended Acts of 1885 (Ex. Sess.), Chapter 20, so that the circuit court would be held in Robertson County on the fourth Monday in January, the first Monday in June, and the fourth Monday in September. All conflicting laws were repealed.
18. Acts of 1899, Chapter 409, returned the opening dates for the regular terms of the circuit court in Robertson County to the first Monday in February, June and October.
19. Acts of 1899, Chapter 427, completely reorganized the Judicial Circuits and Chancery Divisions

across the State. The Act formed fourteen Judicial Circuits, assigning the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson, and Sumner to the 9th Judicial Circuit. Court terms would start in Robertson County on the fourth Monday in January, May and September.

20. Acts of 1901, Chapter 365, fixed the court terms for the various counties by removing Williamson County from the Ninth Judicial Circuit and placing it in the Second Judicial Circuit. The Act was repealed by Acts of 1901, Chapter 382.
21. Acts of 1901, Chapter 397, removed Williamson County out of the 9th Judicial Circuit and placed it in the Seventh Judicial Circuit, repealing the portions of the prior Act which placed the County in the 9th Circuit and the Act above, which placed Williamson County in the Second Judicial Circuit.
22. Private Acts of 1903, Chapter 29, set up new court terms for the counties in the 9th Judicial Circuit. The Circuit contained the counties of Sumner, Cheatham, Montgomery, Houston, Stewart, Dickson, Humphreys, and Robertson whose circuit court at Springfield would open on the first Monday in February, June and October each year. All bonds and process were to be made to conform to the above changes.
23. Private Acts of 1909, Chapter 329, rescheduled the circuit court terms for the counties in the Ninth Judicial Circuit which was composed of the same counties. Robertson County retained the dates of the first Monday in February, June and October.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, completely overhauled the lower court system in this last act to appear in the volumes of private acts. The State was separated into 20 Judicial Circuits with the counties of Sumner, Robertson, Montgomery, Stewart, Houston, Dickson and Humphreys constituting the Ninth Judicial Circuit. Court terms in Robertson County would continue to open on the first Monday in February, June and October.
25. Private Acts of 1965, Chapter 220, created and established the domestic relations and workman's compensation court of Robertson County. This act was repealed by the Private Acts of 1996, Chapter 165. The jurisdiction of all previously filed cases in the court were to be assumed by the Chancery and Circuit Courts for Robertson County.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Robertson County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, was a statewide salary act which involved only the circuit court clerks. The annual compensation of the clerks was to be determined by the population class of the county in which they served. This act was one of the predecessors of the current Tennessee salary acts. According to our census information for 1900 the circuit court clerk of Robertson County would have been entitled to \$1,000 annually. Of the fees of the office, which had to be reported to the county judge, or chairman in a sworn, itemized statement, if the fees failed to meet the above salary, the county would make up the deficiency, but, if the fees exceeded the wages, the clerk could retain the excess for himself.
2. Private Acts of 1911, Chapter 675, amended Private Acts of 1903, Chapter 255, so that the circuit court clerk in all counties between 25,000 and 30,000 in population, according to the 1910 census, would be paid \$1,500 per year, provided there was also a Law Court in the county which the circuit court clerk was also serving. The above population figures involved Robertson County and several others, too numerous to mention.
3. Private Acts of 1923, Chapter 524, stated that the circuit court clerk of Robertson County (identified by the 1920 Federal Census figures) was to be paid \$1200 annually provided the clerk filed a sworn, itemized statement annually with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the collections were less than the above salary, the county was required to supply the difference, but, if the collections exceeded the salary, the clerk was allowed to keep the excess as his own.
4. Private Acts of 1933, Chapter 566, provided that, in Robertson County (identified by the 1930 Federal Census figures), the annual salary of the circuit court clerk would be \$3,000, or less, beginning on September 1, 1934. If the fees of the office exceeded the \$3,000 the excess would be paid into the public treasury, but, if the fees failed to reach that amount, whatever amount was collected by the clerk would be his annual salary.
5. Private Acts of 1939, Chapter 195, which created the General Sessions Court of Robertson County, also provided that the circuit court clerk would be the clerk for the civil docket in the new court.

6. Private Acts of 1941, Chapter 365, was the act creating the General Sessions Court of Robertson County after the 1939 act, above, was repealed. This Act made the circuit court clerk the clerk of both the civil and criminal cases arising in the General Sessions Court.
7. Private Acts of 1947, Chapter 469, also established a General Sessions Court in Robertson County and designated the circuit court clerk as the clerk of the new General Sessions Court for both civil and criminal cases.

Criminal Court

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

1. Private Acts of 1935, Chapter 383, established a criminal court in Springfield for Robertson County, which was given the same jurisdiction as the circuit courts had in the trial of indictments and presentments of all misdemeanors and offenses against the state up to and including petit larceny to the exclusion of the circuit court, the records of which cases would be transferred to the new court. The circuit court clerk would be the clerk of the court, whose judge could empanel juries. The records of this court would be kept separate and the county judge would be the judge of this court. The Sheriff would maintain order in the court and serve its process. The Board of Jury Commissioners would furnish the jurors needed by the court for regular terms.
2. Private Acts of 1935 (Ex. Sess.), Chapter 9, amended the above act to broaden the jurisdiction of the court to include also all offenses against the state wherein the maximum punishment therefor was not greater than the maximum punishment for petit larceny, namely, five years in the penitentiary.
3. Private Acts of 1937, Chapter 257, amended Private Acts of 1935, Chapter 383, by repeating the amendment enacted in the 1935 Special Session, described above, by including several minor procedural amendments; by fixing the salary of the Judge at \$600 annually for holding the court. Section 15 was rewritten which concerned the selection of juries for the court.
4. Private Acts of 1941, Chapter 133, expressly repealed Private Acts of 1935, Chapter 383, above, and abolished the criminal court established by that act. All cases pending and undisposed of in that court would be transferred to the circuit court for trial and disposition.
5. Public Acts of 1972, Chapter 442, created a special criminal court for the Ninth Judicial Circuit which at that time was composed of Robertson and Sumner Counties. This act was superseded by T.C.A. § 16-2-506.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Robertson County are no longer in effect but are listed here for historical purposes.

1. Acts of 1807, Chapter 13, provided that one fit and proper person would be appointed in the manner authorized by the State Constitution to attend the several superior courts in all the districts, including the Robertson District who would prosecute all the causes to which the State was a party and render other services of a similar nature. The persons so appointed would be paid \$45 for each session of a superior court attended and participated in.
2. Acts of 1817, Chapter 65, set up ten Solicitorial Districts in the State of Tennessee in which the Tenth Solicitorial District was made up of the counties of Dickson, Stewart, Humphreys, Montgomery, and Robertson. An Attorney-General would be designated in each district who would prosecute, or defend, all suits to which the State was a party at a salary of \$150 annually.
3. Acts of 1835-36, Chapter 28, made each Solicitorial District in the State of Tennessee coincide with each of the judicial circuits having criminal jurisdiction.
4. Public Acts of 1963, Chapter 358, created the office of Assistant District Attorney General for the 9th Judicial Circuit.
5. Public Acts of 1972, Chapter 489, created an additional Assistant District Attorney General for the 9th Judicial Circuit.
6. Public Acts of 1973, Chapter 74, created the position of criminal investigator for the 9th Judicial Circuit.

General Sessions Court

The following acts once affected the general sessions court of Robertson County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 195, created a General Sessions Court for Robertson County at Springfield for which the county would furnish a court room, furnishings, and supplies to be paid out of the ordinary county funds. The Court was given the jurisdiction and authority of Justices of the Peace who could still issue warrants and set bonds but all would be returnable to the General Sessions Court. The Plaintiff was required to make a \$25 cost bond, or deposit cash from \$1.50 to \$25 with the clerk for any case could proceed. Court costs and the fees for officers would remain as they had been in the Justice's Courts. Separate civil and criminal dockets would be kept. There would be one Judge at an annual salary of \$1,800 which could not be changed during the term. The Governor would appoint the first Judge but the people would elect all those to follow. The Sheriff would keep order and serve all the process issuing from the Court while the Circuit Court Clerk and the Criminal Court Clerk would perform those clerical duties for the Court at a salary of \$600 per each year. This Act was repealed by Private Acts of 1941, Chapter 384.
2. Private Acts of 1941, Chapter 365, created another General Sessions Court in Robertson County, the above act being repealed, with many of the provisions of this Act being identical with those of the repealed act. Justices of the Peace were divested of all their authority and jurisdiction except to issue criminal warrants and search warrants which were returnable to the General Sessions Court. The Clerks were directed to keep minutes of the proceedings of the court. One Judge would preside over the court who would be sworn and commissioned as other judges, who would be a licensed attorney, whose annual salary was \$2,400, payable in equal monthly installments, and who could not practice law privately. The Honorable W. Earl Swann was appointed under this legislation as the first Judge of the Court who would serve until his successor, elected by the people at the next general August election, would assume office.
3. Private Acts of 1941, Chapter 384, expressly repealed Private Acts of 1939, Chapter 195, which created the Robertson County General Sessions Court.
4. Private Acts of 1947, Chapter 294, amended Private Acts of 1941, Chapter 365, in Section 12, by increasing the annual compensation of the Clerks of the General Sessions Court from \$900 to \$1,200.
5. Private Acts of 1947, Chapter 469, created a General Sessions Court for Robertson County which included the same fundamental provisions for the operation of the Court as were provided in the two preceding Acts setting up the Courts. In this Act the Judge was given the power to issue extraordinary writs of process as did any other judge, would devote full time to the duties of this office and be paid \$2,600 per year as compensation in equal monthly installments. The act named W. Earl Swann as the first Judge who would serve until his successor was chosen by popular vote. The Circuit Court Clerk would serve as the Clerk of the Court, and appeals from this Court would go to the Circuit Court in civil cases and to the Criminal Court in criminal cases. This Act was upheld in *Freeman v. Swann*, 192 Tenn. 146, 237 S.W.2d 964 (1951).
6. Private Acts of 1947, Chapter 470, specifically repealed Private Acts of 1941, Chapter 365, above, as the same was written and amended.
7. Private Acts of 1955, Chapter 137, expressly repealed Private Acts of 1947, Chapter 469, above, in its entirety, and abolished the Court created therein.
8. Private Acts of 1982, Chapter 322, transferred juvenile jurisdiction to the General Sessions Court and provided for \$4,000 annual compensation to the Judge for this added responsibility. The Circuit Court Clerk was designated as the Clerk of the Juvenile Court. This Act was considered by the Robertson County Legislative Body on July 19, 1982, and was not approved, therefore making it void.
9. Private Acts of 2005, Chapter 51, created a Part II of the general sessions court to be effective September 1, 2006. The qualified voters would elect a person to serve as judge of the new court for an eight-year term. This act was deferred by the Robertson County Legislative Body and never became law.

Source URL: <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-48>