



July 03, 2024

---

# 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)

Table of Contents

<b>Chapter V - Court System .....</b>	<b>. 3</b>
<b>General Sessions Court .....</b>	<b>. 3</b>
<b>Private Acts of 2023 Chapter 23 .....</b>	<b>. 3</b>
<b>Probate Court .....</b>	<b>. 3</b>
<b>Private Acts of 2000 Chapter 67 .....</b>	<b>. 3</b>
<b>Court System - Historical Notes .....</b>	<b>. 4</b>

# Chapter V - Court System

## General Sessions Court

### Private Acts of 2023 Chapter 23

**SECTION 1.** The Juvenile Court for Overton County Court shall have concurrent jurisdiction, power and authority with the Chancery and Circuit Courts to hear and determine all cases of adoption, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees and judgments. The Overton County Judge of the Juvenile Court may sit by interchange in exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101, et seq. regarding adoptions.

**SECTION 2.** Appeals from any judgment as to adoptions rendered by the Juvenile Court for Overton County Court arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All adoption cases brought in the Juvenile Court for Overton County Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the Juvenile Court for Overton County Court shall keep a docket of adoption cases filed in the Juvenile Court for Overton County Court, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts.

In exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101, et seq. regarding adoptions, the Juvenile Court of Overton County Court shall be a court of record, the records to be kept and preserved as required by law for Circuit and Chancery Courts. The Judge of the Juvenile Court for Overton County Court shall make and cause to be entered on record all such orders and decrees regarding adoption matters as may be passed by the Judge, according to the practice and rules now obtaining in the Chancery and Circuit Courts in order to effect and complete the jurisdiction herein conferred.

**SECTION 3.** The Juvenile Court for Overton County Court shall have the power and authority to try cases regarding adoptions, the same as the Circuit and Chancery Courts now have, in all such cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

**SECTION 4.** The Juvenile Court for Overton County Court shall have authority to hear and determine all undisposed adoption cases over which jurisdiction is conferred by this act and which are pending in Overton County at the time this act takes effect as if such cases had originated in the Juvenile Court for Overton County Court.

**SECTION 5.** 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 the 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 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Overton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 7.** 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 6.

Passed: April 28, 2023.

## Probate Court

### Private Acts of 2000 Chapter 67

**SECTION 1.** Chapter 20 of the Private Acts of 1967 is hereby repealed.

**SECTION 2.** Chapter 295 of the Private Acts of 1972 is hereby repealed.

**SECTION 3.** The Chancery Court of Overton County shall have jurisdiction relating to the probate of wills and the administration of estates of every nature, including the estates of decedents and of wards under guardianships or conservatorships and related matters as provided under Tennessee Code Annotated § 16-16-201. The Clerk and Master of Overton County shall serve as the clerk of all matters of probate and all records relative to jurisdiction and proceedings before said court shall be filed with the Clerk and Master of Overton County.

**SECTION 4.** The General Sessions Court of Overton County shall retain jurisdiction over all juvenile matters pursuant to Tennessee Code Annotated, Title 37, Chapter 5, Part 2. The Clerk and Master of Overton County shall serve as Clerk of the Juvenile Court of Overton County and all records relative to jurisdiction and proceedings before said court shall be filed with the Clerk and Master of Overton County.

**SECTION 5.** The General Sessions Court of Overton County shall retain jurisdiction of domestic relations and workers compensation concurrent with the Circuit and Chancery Courts, and in addition, the General Sessions Judge may sit by interchange with the Circuit and Criminal Judges and with the Chancellor, and they with the General Sessions Judge, in Overton County.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Legislative Body of Overton County. Its approval or nonapproval shall be proclaimed by the presiding officer of Overton County and certified to the Secretary of State.

**SECTION 7.** 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 6.

Passed: January 31, 2000.

## Court System - Historical Notes

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

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

1. Acts of 1806, Second Session, Chapter 11, stated that after the passage of this act any householder, or any person holding land by bond, or by entry shall be competent in all respects whatever to serve as jurors in the counties of White and Overton in the same manner and as fully as if they were freeholders, any law to the contrary notwithstanding.
2. Acts of 1806, Second Session, Chapter 24, annexed Wilson County to the Mero District, and apportioned the number of jurors each county must furnish for the courts. In the Winchester District which was a part of Mero, Smith County would send 16 jurors, Jackson County, 12 jurors, Overton County, 7 jurors, and White County, 4 jurors, to the district court which would be held at Carthage.
3. Acts of 1817, Chapter 128, provided that the justices of the several counties, including Overton, at their first session in each year may lay a tax for the purpose of making an additional compensation to the jurors attending the county and circuit courts, provided a majority of the justices are present when the tax is laid and the additional compensation in any case does not exceed fifty cents per day.
4. Private Acts of 1923, Chapter 160, amended Public Acts of 1919, Chapter 37, which authorized and empowered the judges of the criminal courts and of the circuit courts with criminal jurisdiction to appoint the foreman of the grand juries, so that this law, as written, does not apply to Clay, Overton and Pickett counties. This act is repealed by the one following.
5. Private Acts of 1925, Chapter 773, expressly repealed Private Acts of 1923, Chapter 160, Item 4, above, which relates to the appointment of foremen of the grand juries, entirely for Overton County.
6. Private Acts of 1927, Chapter 156, amended Private Acts of 1923, Chapter 160, above, by removing Pickett County from its application.
7. Private Acts of 1929, Chapter 932, expressly and entirely repeals Private Acts of 1923, Chapter 160, as it applies to all three counties, Clay, Overton and Pickett, which would place them under the general law.
8. Private Acts of 1931, Chapter 723, exempted Overton County from the provisions of Private Acts of 1923, Chapter 160, which related to the appointment of foremen of the grand juries.
9. Private Acts of 1933, Chapter 34, stated that, in Overton County, identified by the use of the 1930

Federal Census figures, it shall be the duty of the presiding judge of the criminal court, the circuit court, or any other court having criminal jurisdiction to designate at each term of court from the 13 members of the grand jury drawn according to law, one of the 13 who shall act as a foreman of the same during that particular term of court but not otherwise. The foreman so designated would be paid \$2.00 per day for each day served in that capacity.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Overton County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Second Session, Chapter 27, Section 9, provided that the first courts in Overton County would be held at the house of Benjamin Totton until they were adjourned to a better and permanent place. It is doubted that the chancery court met at this place during the early years of Overton County.
2. Public Acts of 1824, Chapter 14, directed, among other things, that the justices of the supreme court shall arrange among themselves to hold a court of chancery at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia and Charlotte. The court at Carthage would hear equity cases from Overton, Fentress, Jackson, Smith, Sumner and Wilson counties in the two week terms of court which would start on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, Section 3, divided Tennessee into two chancery districts, the Western which had in it the courts held at Franklin, Columbia, Charlotte, Jackson and Paris, and the Eastern which contained the courts of Rogersville, Greenville, Kingston, Carthage and McMinnville. Two chancellors would hold the courts mentioned who would be appointed by joint ballot of the two houses of the general assembly.
4. Public Acts of 1827, Chapter 88, stated that the chancellors of the chancery court had the right to interchange among themselves but court must be held at least twice each year in the Eastern Division at Carthage on the third Monday of July and January for the cases arising in the counties of Overton, Fentress, Jackson, Smith, Sumner and Wilson.
5. Public Acts of 1831, Chapter 57, provided that a chancery court for the eastern division of Tennessee shall be organized and held at the town of Monroe in Overton County for the counties of Overton and Fentress, which court shall be in addition to the other courts of equity now established in the Eastern District. The terms of court shall begin in Monroe on the first Monday in April and October, and continue for as long as two weeks.
6. Public Acts of 1832, Chapter 19, reschedules the opening dates for all the chancery courts in East Tennessee, which were listed in the act as being located at Rogersville, Greenville, Madisonville, McMinnville, Carthage and Knoxville. The court at Kingston was set for the second Monday in June and December and the district court at Monroe in Overton County had terms slated to open on the third Monday in June and December.
7. Public Acts of 1832, Chapter 20, was a similar act to Chapter 19, above, with schedules for court terms in both circuit and chancery court. Overton Chancery Court terms were kept to the third Monday in June and December.
8. Public Acts of 1835-36, Chapter 4, had provisions for three chancellors to hold the chancery courts, one for each of the three divisions into which Tennessee was now organized. court would continue to be held twice a year. The three divisions were further divided into districts. The First District of the Middle Division was made up of the counties of Fentress, Overton and Jackson, and court would be held for that district in Livingston, in Overton County, on the first Monday in January and July.
9. Acts of 1837-38, Chapter 116, Section 13, reset the times for opening the terms of the chancery court in some of the counties in the Middle Division of the state. Terms would begin at Livingston, in Overton County, for the first district, on the first Monday in March and September. Terms were changed also for the courts at McMinnville, Carthage and Lebanon.
10. Acts of 1839-40, Chapter 21, fixed the times for starting the terms of the chancery court in the fourth district, which was created by the act below. This district was composed of the courts at Livingston, Carthage, Lebanon, Murfreesboro, Shelbyville, Winchester, McMinnville and Pikeville. The court at Livingston would open on the first Monday in March and September.
11. Acts of 1839-40, Chapter 33, separated the state into four chancery districts. The district had in it the courts now being held at Livingston, Carthage, McMinnville, Winchester, Lebanon,

- Murfreesboro and Shelbyville. A chancellor would be elected who shall be a resident of the district and take over this division.
12. Acts of 1845-46, Chapter 82, Section 2, contained changes in court terms for some of the courts in the fourth chancery district, those being listed were Lafayette, Gainsboro, Winchester, Sparta, Smithville, McMinnville, Woodbury and Livingston where the chancery court would start on the third Monday in March and September.
  13. Acts of 1853-54, Chapter 54, laid out the fifth chancery division in Section 1 and the sixth division in Section 2. The fifth division contained the chancery courts then being at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta and Livingston. Court terms remained as they were then set up. Section 2 created the sixth division and assigned to it the counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne and Lawrence.
  14. Acts of 1853-54, Chapter 123, Section 4, changed the chancery court terms in the counties of Overton, DeKalb, Warren and Cannon. The chancery court at Livingston would begin its terms on the third Monday in March and September.
  15. Acts of 1855-56, Chapter 112, Section 3, reset the terms of the chancery courts in the fifth chancery division. The court at Livingston would hereafter begin its terms on the first Monday in April and October.
  16. Public Acts of 1857-58, Chapter 88, reorganized the state into the Eastern, Middle, Western fourth, fifth and sixth chancery divisions. The fifth division was composed of the counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Fentress, Scott, Morgan, Roane, Meigs, Rhea, Blount, Monroe and Overton whose chancery court would begin on the first Monday in April and October.
  17. Private Acts of 1859-60, Chapter 14, created the seventh chancery division in Tennessee placing in it the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith and Stewart. The chancellor would be elected as other chancellors, and have the same powers and jurisdiction. This chancellor would also hold the circuit court in Sumner County. Court would start in Livingston in Overton County on the first Monday in February and August.
  18. Public Acts of 1865-66, Chapter 52, directed that the judge of the fifth judicial circuit would hereafter hold the chancery court of Overton County in Livingston and the judge of the seventh chancery division is hereby relieved of that responsibility.
  19. Public Acts of 1866-67, Chapter 25, Section 4, consolidated the circuit and the chancery courts of Overton County, and directed that all the process outstanding which was returnable to the chancery court would be made returnable to the terms of the circuit court best suited. Court would continue in Livingston.
  20. Public Acts of 1867-68, Chapter 88, Section 8, amended Public Acts of 1866-67, Chapter 25, above, so as to change the terms of the chancery court at Livingston in Overton County to the third Monday in March and the second Monday in November of each year.
  21. Public Acts of 1868-69, Chapter 44, attached Smith County to the seventh chancery division and changed the terms of chancery court at Livingston to the fourth Monday in March and the second Monday in October.
  22. Public Acts of 1870, Chapter 32, divided the state into twelve chancery districts, assigning to the fifth chancery district the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb and Clay.
  23. Public Acts of 1870, Chapter 47, scheduled the court terms for the chancery courts of every county in the State of Tennessee. The court would take up the docket in Overton County on the first Monday in January and July.
  24. Public Acts of 1881, Chapter 17, rescheduled the opening dates for the terms of the chancery courts in DeKalb, Macon, Smith, Clay and Overton counties in the fifth chancery division. Overton was set to begin the terms of court on the first Monday after the fourth Monday in May and November.
  25. Acts of 1885, Extra Session, Chapter 20, reorganized the entire lower court system in Tennessee. Eleven chancery divisions were formed of which the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith and Macon made up the fifth division. Court terms would begin in Overton County on the first Monday in April and October.
  26. Acts of 1891, Extra Session, Chapter 11, rearranged the terms of the chancery court in some of the counties in the fifth chancery division but Overton County's Chancery Court would continue to

convene on the first Monday in April and October.

27. Public Acts of 1895, Chapter 15, again rescheduled the chancery court terms for some of the counties in the fifth chancery division which contained the same counties. Overton County would still begin the chancery court terms on the first Monday in April and October.
28. Public Acts of 1899, Chapter 427, was the next major revision of the lower court system in the state in which ten chancery divisions were formed. The fourth chancery division was composed of the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale. Courts in Overton County would begin on the first Monday in April and October.
29. Acts of 1903, Chapter 97, rescheduled opening dates for some of the chancery courts in the fourth chancery division but Overton County held on to the first Monday in April and October as their opening dates.
30. Acts of 1905, Chapter 120, made some changes in the term schedule of the chancery courts of the fourth division. Every county, no changes being made in the number, is mentioned in this law. Overton County would start the chancery court terms on the first Thursday after the second Monday in April and October.
31. Private Acts of 1911, Chapter 507, brought about some additional changes in the term schedules for the fourth chancery division. Overton County was assigned to the third Monday in January and July.
32. Public Acts of 1931, Second Extra Session, Chapter 38, was the next major reorganization of the lower judicial system in Tennessee and was the last statute of this nature to appear in the private acts. The later changes would be by public act and therefore be codified in the Tennessee Code. This act produced fourteen chancery divisions. The fourth had the counties of Cannon, Trousdale, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam and Overton whose court would begin on the third Monday in January and July.

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

The reference list below contains an act which once applied to the Clerk and Master in Overton County.

1. Private Acts of 1919, Chapter 62, directed the trustee of Overton County to pay to the clerk and master the sum of \$38.75 in satisfaction of a bill of cost in the case of the State ex rel. vs. John A. Gunnell, which was adjudged against the Allons School District, and take this receipt therefor. The money shall be paid out of any available school funds and charged to the Allons School District.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Overton County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Second Session, Chapter 27, Section 9, created Overton County and further provided that the first courts of the county would be held at the house of Benjamin Totton until they were adjourned to a better and permanent place.
2. Acts of 1809, First Session, Chapter 49, divided Tennessee in five judicial circuits. The third circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White and Jackson. The circuit court would be held at the courthouse in Overton County on the second Monday in March and September.
3. Acts of 1812, Second Session, Chapter 68, changed court terms for some of the counties in the fifth circuit setting the courts in Overton County to begin on the second Monday in February and August.
4. Acts of 1813, Chapter 134, rearranged the term schedule for several counties including Overton whose circuit court terms would hereafter begin on the second Monday in March and September.
5. Acts of 1817, Chapter 138, rescheduled the circuit court terms for the third, fourth, fifth and sixth judicial circuits. The circuit court of Overton County would start the terms on the second Monday in March and September.
6. Private Acts of 1819, Chapter 160, rearranged the term schedule for the circuit courts in Jackson, White, Warren, Smith and Overton counties. Overton's court would convene in Monroe at the courthouse on the fourth Monday in February and August.
7. Private Acts of 1820, Second Extra Session, Chapter 98, changed the terms for the circuit courts in Jackson and Overton counties. Overton's court would begin at Monroe on the third Monday in February and August.

8. Private Acts of 1821, Chapter 172, fixed the terms of the circuit court for the counties of Franklin, Warren, White, Jackson and Overton whose court would meet at the courthouse in Monroe on the second Monday in March and September.
9. Private Acts of 1827, Chapter 227, Section 2, extended the privilege to Elizabeth Ramsey to file a petition for divorce from her husband William Ramsey, in the circuit court of Overton County.
10. Public Acts of 1829-30, Chapter 59, rearranged the circuit court terms in Fentress County and Overton County which went back to the third Monday in March and September at Monroe. All process would be made to conform to the change in dates.
11. Public Acts of 1832, Chapter 20, changed the opening dates for the circuit courts of Fentress, Jackson, White and Overton counties. The circuit court terms for Overton County would begin on the fifth Monday of February and August, and if no fifth Monday occurred, then, on the first Monday in March and September.
12. Public Acts of 1833, Chapter 21, changed the time of holding the circuit court in Overton County to the first the first Mondays of March and September.
13. Public Acts of 1835-36, Chapter 5, was a complete reorganization of the judicial system of the state pursuant to the new 1835 Constitution. This act provided that a circuit court would be established in every county of the state and hold three terms a year at least. For these purposes Tennessee was organized into eleven judicial circuits. The fourth judicial circuit contained the counties of Smith, Overton, White, Jackson, Fentress and Warren, and the terms of court for Overton County would begin on the fourth Monday in February, June and October.
14. Acts of 1851-52, Chapter 230, changed the opening dates for the circuit court terms in White, Fentress and Overton counties which would open the terms of circuit court on the third Monday in February, June and October.
15. Public Acts of 1857-58, Chapter 95, created the sixteenth judicial circuit and placed in it the counties of White, Scott, Cumberland, Bledsoe, Marion, Morgan, Sequatchie, Fentress and Overton. The sheriffs of these respective counties would hold an election on the fourth Thursday in May, 1858, in which a judge and an attorney-general would be elected, who would be paid the same, and have the same power, rights, and authority as others. Overton County's Circuit Court would commence the terms on the second Monday in February, June and October.
16. Public Acts of 1857-58, Chapter 98, rearranged the lineup of counties in the sixteen judicial circuits of Tennessee. The fifth circuit contained the counties of Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress and Overton where the circuit court would meet on the fourth Monday of January, May and September.
17. Public Acts of 1866-67, Chapter 25, consolidated the circuit court and the chancery court of Overton County making all outstanding process of the chancery court returnable to the terms of the circuit court, as they were then fixed by law, and all future process would be treated likewise and made returnable to the court at Livingston.
18. Public Acts of 1870, Chapter 31, was part of a general overhauling of the lower court system of Tennessee which established fifteen regular and one special judicial circuits in the state. The fifth judicial circuit consisted of the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon and Clay.
19. Public Acts of 1870, Chapter 46, set up a schedule of circuit court terms for every county in the state. In Overton County the court terms would commence on the first Monday of February, June and October.
20. Acts of 1872, Extra Session, Chapter 15, rearranged the terms of the circuit courts in the fifth judicial circuit shifting Overton County to the fourth Monday in January, May and September.
21. Public Acts of 1873, Chapter 22, established the sixteenth judicial circuit of Tennessee placing in it the counties of Anderson, Campbell, Scott, Morgan, Fentress, Overton and Cumberland. The governor would appoint a judge and a district attorney to serve until their successors could be elected at the next general August election, all of whom would be just as the others were. The circuit court at Livingston in Overton County would be held commencing on the second Monday after the fourth Monday in March, July and November.
22. Public Acts of 1882, Second Session, Chapter 3, Section 3, stated that hereafter the circuit court of Overton County shall be held in Livingston on the third Monday after the fourth Monday in March, July and November.
23. Public Acts of 1885, Chapter 12, fixed the opening dates for the circuit court terms in Fentress, Pickett, Cumberland and Overton counties. The Overton County Circuit Court would start on the



third Monday in April, August and December.

24. Acts of 1885, Extra Session, Chapter 20, reorganized the entire lower court system of Tennessee forming 16 regular, and one special, judicial circuits. The fifth judicial circuit was made up of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale; and setting the terms of court for Overton County to begin on the first Tuesday after the third Monday in February, June and October.
25. Public Acts of 1887, Chapter 12, changed court terms for some of the counties in the fifth judicial circuit switching Overton County to the third Monday after the fourth Monday in January, May and September.
26. Private Acts of 1897, Chapter 294, amended Acts of 1885, Extra Session, Chapter 20, by rescheduling some of the court terms in the fifth judicial circuit. Overton County would convene the circuit court on the first Monday in February, June and October.
27. Public Acts of 1899, Chapter 427, was the next complete restructuring of the lower court system of the state. Fourteen regular, and one special, judicial circuits were formed in which the fifth judicial circuit contained the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White and Macon. Circuit court terms would begin in Overton County on the first Monday in February, June and October.
28. Private Acts of 1901, Chapter 324, reset the terms of the circuit court for some of the counties in the fifth judicial circuit moving Overton County to the third Monday in February, June and October.
29. Acts of 1907, Chapter 85, established the criminal court of the fifth judicial circuit, taking that jurisdiction out of the circuit courts. Circuit court was held on the third Monday in February, June and October.
30. Acts of 1907, Chapter 122, rescheduled the terms of the circuit courts in the fifth circuit after forming the criminal division in that circuit. Smith, White, Cumberland, Pickett, Clay, Jackson, Putnam, Trousdale, Macon and Overton are the counties remaining in the civil division of the circuit. Overton County would open the doors of the circuit court on the first Monday in March, July and November.
31. Private Acts of 1921, Chapter 382, declared that persons authorized to take depositions in Overton County may take them in shorthand and subsequently reduce the same to writing or typewriting, or may take the depositions directly on the typewriting machine, provided the person taking the depositions can and does certify to its accuracy and veracity and that it was read and approved by the witness testifying. The witness' name may be signed if proper authority is given. Ten cents a page may be charged for transcribing and added as a part of the costs in the case.
32. Public Acts of 1931, Second Extra Session, Chapter 38, is the last major reorganization of the lower courts of Tennessee which appears in the volumes of private acts. Subsequent changes were public acts and appear in the Tennessee Code Annotated. This act produced twenty judicial circuits, the fifth being composed of the counties of Clay, White, Jackson, Putnam, Cumberland, Pickett and Overton where the circuit court terms would begin on the first Monday in March, July and November.
33. Private Acts of 1935, Chapter 816, rendered null and void the fines and costs which were adjudged against Haskell Matthews, convicted in the circuit court of Overton County on charges of violating the bone dry law and disturbing public worship, and against Bob Matthews, who admitted to a charge of driving while under the influence of liquor, the same being canceled.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Overton 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 1829-30, Chapter 183, was the legal authority for the register and the circuit court clerk of Overton County to keep their offices at any place within one-half miles of the courthouse of the county.
2. Acts of 1903, Chapter 255, was another of the early salary acts enacted as general law but this one concerned the circuit court clerks alone and set their annual salary according to the population of the county in which they served. Other conditions about filing a sworn, itemized statement of all fees collected in the office had to be met. According to our population figures, the circuit court clerk of Overton County would have been paid \$500.00 a year under this law. If the fees did not meet that figure, the county would make up the difference; if the fees exceeded the

figure, the clerk was permitted to keep the excess.

3. Private Acts of 1911, Chapter 532, provided that the circuit court clerk of Overton County shall be paid out of the county treasury the sum of \$1,200 per annum, payable quarterly. The clerk shall keep an account of all fees collected and pay them into the county treasury. This act was repealed by the one following.
4. Private Acts of 1913, Chapter 267, specifically repealed Private Acts of 1911, Chapter 532, above, which set the annual salary of the circuit court clerk.

### **Criminal Court**

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

1. Acts of 1907, Chapter 85, created the criminal court for the fifth judicial circuit composed of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith counties.
2. Private Acts of 1931, Chapter 298, amended Acts of 1907, Chapter 85, Section 3, published herein, by changing the terms of the criminal court of Clay County but did not have any bearing on any other county.
3. Private Acts of 1933, Chapter 889, relieved Hoy Clark, and his sureties, from the payment of a fine of \$100.00 and cost in Overton County. The fine was declared to be null, void, and of no effect and is therefore cancelled, having been assessed against the said Hoy Clark in the criminal court of Overton County on a conviction of violating the bone dry law.
4. Public Acts of 1977, Chapter 444, created a second division of the criminal court for the fifth judicial circuit, which Overton was a part of. The act also provided for the appointment and the election of a Judge to preside over such court and to amend Section 16-2114 of T.C.A. by fixing the time for holding the criminal court in Overton County to the third Mondays in February, June and October.

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

The following acts once affecting Overton 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. Acts of 1817, Chapter 65, created the sixth judicial circuit and divided the state into ten solicitorial districts. The fifth solicitorial district was composed of the counties of Bledsoe, Warren, White, Overton and Jackson. The general assembly would appoint an attorney-general for each district who would prosecute in the name of the state. Their annual salary was \$125.00 except in the district where the supreme court met where the salary was \$150.00 a year.
2. Public Acts of 1819, Chapter 4, stated that the counties of Warren, White, Overton and Jackson shall be and remain as the fifth solicitorial district. Bledsoe, Marion, Rhea, Hamilton and McMinn counties were taken out to form the eleventh solicitorial district.
3. Acts of 1907, Chapter 381, created the post of assistant attorney-general for the fifth judicial circuit, who would be appointed by the attorney general and serve at his pleasure and direction. He shall be 25 years of age, or older, and learned in the law. The salary was \$1800 a year payable monthly, out of the treasury of the state on the warrant of the comptroller. This act was repealed by the one below.
4. Private Acts of 1919, Chapter 166, repealed Acts of 1907, Chapter 381, above, in its entirety.
5. Public Acts of 1970, Chapter 537, provided for an additional full-time assistant district attorneys general for the fifth judicial circuit and to provide for the appointment, qualifications, duties and compensation of such officer.
6. Public Acts of 1976, Chapter 563, provided for the appointment of two additional fulltime assistant district attorneys general for the fifth judicial circuit and to provide for the qualifications, duties and compensation of such officers.
7. Public Acts of 1977, Chapter 444, created a second division of the criminal court for the fifth judicial circuit and assigned a district attorney general and assistants to each division.
8. Public Acts of 1978, Chapter 770, created the office of criminal investigator for the district attorney general of the fifth judicial circuit, Division I, and to provide for the appointment, qualification, duties and compensation of such officer.

### **Secretarial Assistance**

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

1. Public Acts of 1967-68, Chapter 134, authorized the circuit and criminal judges of the fifth circuit to each hire a secretary at a salary of \$3,600 per annum. This has been superseded by the general law mentioned above.

---

**Source URL:** <https://www.ctas.tennessee.edu/private-acts/chapter-v-court-system-58>