



May 18, 2024

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## Chapter V - Court System

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

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## Chapter V - Court System

### Chancery Court

### Probate Jurisdiction

### Private Acts of 2004 Chapter 79

**SECTION 1.** Chapter 234 of the Private Acts of 1982, and any other acts amendatory thereto, is hereby repealed.

**SECTION 2.** In accordance with Tennessee Code Annotated, Sections 16-16-201 and 18-6-106, the chancery court of Macon County is vested with jurisdiction over the probate of wills and the administration of estates of decedents, minors, infants, and incompetents. The clerk and master shall function as the clerk of such court and shall retain all records and other documents relating to probate matters and the administration of estates of decedents, minors, infants, and incompetents.

**SECTION 3.** All probate matters and the administration of any estate pending in any other court in Macon County on the effective date of this act shall be transferred to the chancery court of Macon County and such court may hear and make final disposition in such matters as if it had originated in such court. On such effective date, all records and other documents pertaining to a probate matter or the administration of an estate that are currently being maintained by the court clerk shall be transferred to the clerk and master.

**SECTION 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Macon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Macon County and certified to the secretary of state.

**SECTION 5.** 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 4.

Passed: February 18, 2004.

### General Sessions Court

### Private Acts of 1951 Chapter 555

**SECTION 1.** That there is hereby created and established a Court in and for Macon County, Tennessee, which shall be designated "Court for General Sessions for Macon County, Tennessee." said (sic) County shall provide a court room at Lafayette, Tennessee, dockets, furnishing and necessary supplies for the equipment and maintenance of said court, and pay for same out of the General Fund of the County. The regular place for holding said court shall be at the court room provided for said court in Lafayette, Tennessee, but said court may be held, in the discretion of the Judge thereof, at any other place or places in Macon County, Tennessee, at such times and places as the Judge may designate.

**SECTION 2.** That said court of General Sessions is hereby vested with all the jurisdiction and shall exercise the 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 may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process on 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.

The Court of General Sessions is also vested with jurisdiction over the probate of wills and the administration of estates decedents, minors, infants, and incompetents. Notwithstanding the provisions of Section 13 of this chapter the County Clerk of Macon County shall function as the clerk of the Court of General Sessions when probate matters and administration of estates are properly before such court. The County Clerk shall retain all powers, duties, and jurisdiction, and shall retain all records and other documents relating to probate matters and the administration of estates of decedents, minors, infants,

and incompetents.

As amended by:

Private Acts of 1982, Chapter 234

**COMPILER'S NOTE:** In addition to amending Section 2, Private Acts of 1982, Chapter 234, also contained the following undesignated provisions:

**SECTION \_\_\_\_.** The procedure, rules of practice and laws governing the administration of estates in probate shall be the same as are now in effect, except where expressly changed by the Act.

**SECTION \_\_\_\_.** All probate matters and the administration of any estate pending in any other court in Macon County on the effective date of this Act shall be transferred to the General Sessions Court of Macon County and such court may hear and make final disposition in such matters as if it had originated in such court.

**SECTION 3.** That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

**SECTION 4.** That before any civil case shall be tried or judgement rendered in said Court, the plaintiff shall secure the costs by executing a cost bond, with good security, in the sum of Twenty-five (\$25.00) Dollars, or by making a cash deposit of not less than One Dollar and fifty cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take an oath prescribed for poor persons, and on motion of the Court may in his discretion increase the amount of such bond or deposit.

**SECTION 5.** That the rules of pleadings and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Macon County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge without a jury. The final judgement of such Court may be appealed to the Circuit Court of Macon County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 1 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant pleads guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives a trial by a jury of his peers. \_\_\_\_\_

**SECTION 6.** That in all matters the costs and fees of said court of General Sessions shall be the same as 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 7.** 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 return of the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, execution, garnishment, lists of the fees of the Court, the sheriff, his deputies, constables, game wardens, and State highway patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those Justices of the Peace.

The criminal docket shall be kept in like manner.

**SECTION 8.** 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 of Tennessee, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

**SECTION 9.** That the compensation of said Judge shall be Twenty Four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general fund of the County, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office, except that he may act as Judge of the City Court of Lafayette, Tennessee, under any contract made by the said City with the County of Macon.

**SECTION 10.** That Bell F. Cothron, of Lafayette, Tennessee, is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1952, and until his successor has been elected and qualified.

His successor shall be elected by qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1952, and shall hold his office from the first day of September, 1952, until the first day of September, 1960, or until his successor is qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of inferior courts.

**SECTION 11.** 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 12.** 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 13.** That the Clerk of the Circuit Court and Criminal Courts of said County shall as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of Court of General Sessions of Macon County." The fees, commissions and emoluments of said Court of General Sessions shall be the same as such fees would have been if the process, subpoenas, executions and all other papers had been issued by Justices of the Peace, and the same shall accrue to and be paid to the Clerk of said Court when such papers are actually issued by said Clerk. Provided, however, then when such papers shall have been issued by a Justice of the Peace of Macon County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Macon County, Tennessee, who actually issued such papers, process, etc.

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.

**SECTION 14.** That the sheriff of said County, or any Deputy or Constable thereof, shall serve legal process, writs or papers issued by said Court with the same authority as provided by law in other inferior courts. Provided, however, that no sheriff, deputy sheriff, or constable shall be entitled to any fees merely for opening and closing said Court or for waiting upon said Court as Court officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said court without further compensation for such services.

**SECTION 15.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgments or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 16.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have completed shall be turned over to said County, as provided by law.

**SECTION 17.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace 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 judgements on the dockets of said Justices of the Peace, and certify as to any such judgements or records, as such Justices of the Peace could do but for this Act.

**SECTION 18.** That the General Assembly expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not effect the remainder of the Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such

unconstitutional or invalid portion elided therefrom.

**SECTION 19.** That this Act shall take effect on April 1, 1951, and not until then, except that after the passage of this Act prior to April 1, 1951, said county shall make provision for a court room and otherwise as provided in Section 1 hereof, but such Judge and Clerk of said Court shall take the oath of office or be entitled to any salary until April 1, 1951, the public welfare requiring it.

Passed: March 12, 1951.

## Court System - Historical Notes

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

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

1. Private Acts of 1931, Chapter 626, created a Board of Jury Commissioners in Macon County, identified by using the 1930 Federal Census figures. The Board would consist of three discreet members, freeholders, residents of the county for two years, who were not state or county officials, nor attorneys, nor had a suit pending in court, who would be appointed by the Judge of the Criminal Court for two year terms. Justices of the Peace were expressly declared to be eligible for appointment. It was the duty of the Clerk to notify those selected to serve on the Board within ten days of their appointment and to name a day for their first meeting. The board would meet on that day, be sworn and bonded, taking the special oath prescribed in this act, and would then choose a chairman and secretary from their own number. On the first Monday of the month preceding the opening of the court, the Board would convene at the courtroom, or at any other convenient place in the county seat and select 42 names from the tax rolls, or other public sources for the criminal court, and 18 names for the Circuit Court, choosing as equally as possible from each Civil District of the Jury for that term of court. The Clerk would submit the list at the proper time to the Sheriff who would summon them for duty, only the Judge being given the authority to excuse anyone. This act was repealed by the one below.
2. Private Acts of 1935, Chapter 428, specifically repealed Chapter 626, Private Acts of 1931, above, which created a Board of Jury Commissioners for Macon County.
3. Private Acts of 1937, Chapter 162, created another Board of Jury Commissioners for Macon County along the same fundamental lines as those written in Item One, above, except that W. J. Jarred, T. T. Tucker, and E. L. Meadows were named as the members of the first Board who would serve until July, 1938, when their successors would be chosen by the Criminal Court Judge. The Board would meet within five days after being notified. The number of jurors to be chosen was reduced to 27 for the criminal court, whose names would be recorded and certified in a special book acquired for that purpose, the first twelve again being designated as the Grand Jury, the others to serve as petit jurors, wherever needed. Arrangements were made for special cases and panels if the jury list were exhausted and penalties prescribed for those who violated, or ignored the provisions of this act. Board Members would receive \$3.00 per day for each day service actually spent in the discharge of these responsibilities. This act was repealed by the one following.
4. Private Acts of 1939, Chapter 546, expressly, and entirely, repealed Chapter 162, Private Acts of 1937, above, causing the selection of Jury Commissioners, if any, to follow the state law.
5. Private Acts of 1939, Chapter 547, provided that, in Macon County, using the 1930 Federal Census figures, it shall be the duty of the presiding Judge of the Criminal Court, the Circuit Court, or any court having criminal jurisdiction, to designate at each term of the court one of the 13 members, drawn according to law to form a Grand Jury, to act as Foreman of the same during that particular term of court. The one so selected, shall be paid \$3.00 per day for every day served in that capacity.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Macon 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 1841-42, Chapter 45, created Macon County and provided that the County would be

attached to the Chancery District which met at Carthage, in Smith County.

2. Acts of 1841-42, Chapter 119, Section 3, stated that the citizens of Macon County, newly created, would have the right to file their Bills in chancery either at Gallatin in Sumner County or at Carthage in Smith County as their convenience and best interests might dictate.
3. Acts of 1843-44, Chapter 151, Section 5, stated that the Chancery Court of Macon County would be attached to the 4th Chancery Division, would meet at Lafayette and the terms would begin on the fourth Monday in March and September.
4. Acts of 1845-46, Chapter 82, Section 2, changed the chancery court terms for some of those counties in the Fourth Chancery District, assigning Macon County to the fourth Monday in January and July at Lafayette. The Fourth Chancery District consisted of those courts which met at Gainsboro, Winchester, Sparta, Livingston, Smithville, McMinnville, and Woodbury.
5. . Acts of 1849-50, Chapter 213, Section 4, provided that the Chancery Court at Lafayette in Macon County would meet hereafter on the second Monday in January and July.
6. Acts of 1851-52, Chapter 331, amended the act which required the Chancellor of the Fourth Chancery Division to hold the Chancery Court at Lafayette so as to require him to open and hold the said court at Lafayette on the first Monday in February and the second Monday in July.
7. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Division had in it the counties of Jackson, Wilson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Macon whose court terms would begin on the first Monday in February and the second Monday in July.
8. Acts of 1859, Chapter 14, created a new Seventh Chancery Division assigning to it the counties of Overton, Jackson, Sumner, Robertson, Montgomery, Smith, Stewart, and Macon where the courts were to begin on the first Friday after the second Monday in February and August at Lafayette.
9. Acts of 1866-67, Chapter 25, Section 2, stated that the Chancery Court at Lafayette would commence its terms of court on the second Thursday after the first Monday in February and August.
10. Acts of 1868-69, Chapter 18, provided that the Chancery Court for Macon County would be held hereafter on the first Thursday after the second Monday in February and August of each year.
11. Acts of 1868-69, Chapter 44, Section 4, provided that the Chancery Court for Macon County would be held hereafter on the first Thursday after the second Monday in February and August of each year.
12. Acts of 1870 (Ex. Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Fifth Chancery District was composed of the counties of Van Buren, White, Putnam, Overton, Jackson, Smith, Dekalb, Macon, and Clay.
13. Acts of 1870 (Ex. Sess.), Chapter 47, set up the Chancery Court terms for every county in the State. In Macon, court would commence on the second Monday of February and August.
14. Acts of 1871, Chapter 71, repealed the prior act in conflict and set the starting dates for the terms of the Chancery Court in Macon County on the Tuesday after the second Monday in February and August.
15. Acts of 1882 (2nd Ex. Sess.), Chapter 7, changed the term of the Chancery Court for Macon County to the second Monday in November instead of the Thursday after the second Monday in October, all process being made to conform to that date.
16. Acts of 1883, Chapter 77, changed the days of the Macon County Chancery Court to begin on the Thursday after the second Monday in October, and on the Thursday after the first Monday in May, with proper adjustments being made to all process.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State. Eleven Chancery Divisions were formed of which the 5th Division contained the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, Dekalb, Smith, and Macon where court terms would begin on the third Monday in April and October. This act was considered by the Supreme Court in *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
18. Acts of 1891 (Ex. Sess.), Chapter 11, changed the schedule of court terms in all the counties of the Fifth Chancery Division switching Macon County to the fourth Monday in March and September.
19. Acts of 1895, Chapter 15, rescheduled the starting dates for the terms of the Chancery in all counties of the 5th Chancery Division shifting Macon County to the first Wednesday after the

second Monday in March and September.

20. Acts of 1897, Chapter 43, Section 7, changed the terms of the Macon County Chancery Court to the first Monday in March and September, and also rearranged the court terms in Smith, Jackson, Clay, Overton, Pickett, Fentress, White, Putnam, DeKalb, and Cumberland Counties. Section 8 provided that the Chancellor of the 5th Division would also hold the Circuit Court in Macon County on the same days.
21. Acts of 1897, Chapter 294, rearranged the starting dates for the Chancery Court terms in the Fifth Chancery Division, scheduling Macon to begin on the first Wednesday after the second Monday in March and September. Some irregular assignments were also given the Judges some of whom would hold both Circuit and Chancery Courts.
22. Acts of 1899, Chapter 427, again organized the state's lower judicial system into different patterns, forming ten Chancery Divisions. The Fourth Division consisted of the counties of Cumberland, Pickett, Clay, Overton, Jackson, Putnam, White, DeKalb, Smith, Van Buren, Cannon, Trousdale, and Macon where the Chancery Courts would start at Lafayette on the first Wednesday after the second Monday in March and September.
23. Private Acts of 1903, Chapter 97, reset the terms of the Chancery Courts in the Fourth Chancery Division assigning Macon County to the first Tuesday after the second Monday in March and September.
24. Private Acts of 1911, Chapter 507, reorganized the Chancery Court terms in the Fourth Division which now contained the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Fentress, Pickett, Jackson, Van Buren, Dekalb, Morgan, White, Putnam, and Macon where the terms would commence on the first Tuesday after the second Monday in March and September.
25. Private Acts of 1927, Chapter 40, changed the Chancery Court terms for Trousdale, Smith, Pickett, and Macon Counties, shifting Macon to the second Monday in March and September.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, rearranged the entire lower court system of the State into fourteen and one special Chancery Division. The Fourth Chancery Division contained of the Counties of Cannon, Trousdale, Overton, Clay, Smith, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam, Macon where Court would start at Lafayette on the second Monday in March and September.

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

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

1. Private Acts of 1911, Chapter 303, provided that the Clerk and Master of the Chancery Court in Macon County would be paid the sum of \$600 per year as a salary conditioned upon the requirement that the Clerk and Master file with the County Judge, or Chairman, of the County Court, before the convening of each quarterly term of the court, a sworn, itemized, detailed report of all the fees collected in the office during the preceding quarter. If the fees are less than the salary mentioned above, the county shall make up the difference but, if the fees should exceed the salary, the Clerk and Master may retain them for his own.
2. Private Acts of 1919, Chapter 550, amended Chapter 303, Private Acts of 1911, above, by adding a provision that the Clerk and Master in his report of the fees collected in the office during the quarter would not have to account for or include in the report such fees as they may be entitled to receive from sales of land, orders of reference, and for taking depositions.
3. Private Acts of 1921, Chapter 432, also granted the Clerk and Master of Macon County an annual salary of \$600 per year under the same conditions of filing a quarterly report, as before, but exempted the Clerk and Master from accounting for, or including in his report of fees, those fees received by him for taking depositions, commissions on the sale of lands, making out transcripts, and the compensation awarded to him as a special commissioner, or receiver. The Clerk and Master would retain all fees exceeding the above amount, and be paid the difference, if they were less.
4. Private Acts of 1927, Chapter 122, amended Section One, Chapter 303, Private Acts of 1911, Item One, above, by increasing the annual salary of the Clerk and Master from \$600 to \$900 to be paid under the same conditions as expressed in that Act and its amendments.

#### **Circuit Court**

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

1. Acts of 1841-42, Chapter 45, provided for the Circuit Court of newly created Macon County to



meet at the house of William Dunn until the County seat could be laid out although court could adjourn to any other convenient place in the county. Macon County was assigned to the Fourth Judicial Circuit with court terms scheduled to start on the first Monday in January, May, and September.

2. Acts of 1845-46, Chapter 82, changed terms for the Circuit Courts in the Fourth Judicial Circuit, naming Dekalb, White, Fentress, Overton, Jackson, Smith, and Macon where court would be held hereafter on the second Monday in March, July, and November.
3. Acts of 1847-48, Chapter 125, changed the time for beginning the terms of the Circuit Court in Macon County to the third Monday instead of the second Monday in March, July, and November.
4. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 6th Circuit was made up of the counties of Jackson, Smith, Putnam, Dekalb, and Macon where the terms of court would begin on the third Monday in March, July, and November.
5. Acts of 1866-67, Chapter 25, provided that after the next succeeding term of the Circuit Court in Macon County which would start as now provided by law, the Circuit Court terms would commence on the second Monday in January, May, and September.
6. Acts of 1870 (Ex. Sess.), Chapter 31, divided the State into 15 regular and one special Judicial Circuits. The Fifth Judicial Circuit contained the counties of Dekalb, Overton, Putnam, White, Smith, Jackson, Clay, and Macon.
7. Acts of 1870 (Ex. Sess.), Chapter 46, scheduled all the terms of the Circuit Courts in all the counties of the State. Macon County would begin at Lafayette on the first Monday in January, May, and September.
8. Acts of 1871, Chapter 15, reset the terms of the Circuit Court in Macon County to the fourth Monday in April, August, and December, repealing all conflicting Acts.
9. Acts of 1872, Chapter 15, changed the terms of the Circuit Courts in the 5th Judicial District but Macon remained on the fourth Monday in April, August, and December.
10. Acts of 1873, Chapter 22, Section 6, changed Circuit Court terms in Clay County and Macon County who went to the third Monday in April, August, and December.
11. Acts of 1877, Chapter 28, changed Circuit Court terms in Macon County to begin on the first Monday in January.
12. Acts of 1885 (Ex. Sess.), Chapter 20, was an Act which revamped the entire lower court structure in Tennessee, dividing it into fourteen regular and one special judicial circuits. The Fifth Judicial Circuit was composed of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, and Macon where the court terms would begin on the first Tuesday after the first Monday in March, July, and November.
13. Acts of 1887, Chapter 12, rescheduled the court terms of all the counties in the 5th Judicial Circuit. Macon County would thereafter start the Circuit Court terms on the third Monday in March, July, and November.
14. Acts of 1897, Chapter 43, Section 6, rearranged the starting dates for the terms of the Circuit Courts in the 5th Judicial Circuit, scheduling Macon County for the first Monday in March and September. Section 8 of this Act provided that the Chancellor of the 5th Chancery Division would also hold the Circuit Courts in Macon County, the terms of both being set at the same times.
15. Acts of 1897, Chapter 294, rearranged the circuit court terms in the 5th Judicial District again, setting those in Macon County to begin on the first Wednesday after the second Monday in March and on the third Monday in July and November. The Chancery Court terms coincided with two of these dates.
16. Acts of 1899, Chapter 357, amended the 1897 Act, above, so as to begin the Circuit Courts in Smith, Trousdale, and Macon counties on different dates. Macon County's would start on the second Monday in March and the third Monday in July and November.
17. Acts of 1899, Chapter 427, reorganized all the lower court system of the State. Tennessee was divided into fourteen regular and two special judicial circuits. The fifth Judicial Circuit was made up of the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon whose circuit courts would begin on the first Wednesday after the second Monday in March, and on the third Monday in July and November.
18. Private Acts of 1901, Chapter 324, rescheduled the Circuit Court terms in the 5th Circuit changing Macon County's courts to the third Monday in March, July, and November.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, made sweeping changes throughout the lower

judicial structure of the State forming the counties into twenty Judicial Circuits. The 5th Circuit contained the counties of White, Overton, Putnam, Jackson, Trousdale, Smith, Wilson, and Macon for both civil and criminal jurisdiction. Macon County's courts would continue to open on the third Monday in March, July, and November. All changes in the future in the circuit and chancery courts would generally be made by public acts.

20. Private Acts of 1941, Chapter 385, changed the time for hearing the civil cases of Macon County Circuit Court from the third Monday in March, July, and November to the first Monday of February, June, and October. The Judge of the 5th Judicial Circuit criminal division will hold the Circuit Courts of Macon County. All process was to conform to these changes.

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

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

1. Acts of 1903, Chapter 255, was a salary Act covering the whole State but concerning the Circuit Court Clerks only. The salaries specified were based on the population of the county in which the clerk served, as they now are. Our population figures on Macon County in 1900 would have given the Circuit Court Clerk a salary of \$750 per year, provided he filed with the County Judge, or Chairman, an itemized, sworn, annual report showing all the fees collected in the office for the year immediately passed. If the fees failed to equal the salary specified herein, the county would pay the Clerk the difference, but if the fees exceeded the salary, the Clerk was permitted to retain them as his own.
2. Private Acts of 1931, Chapter 603, provided that the Clerk of the Circuit Court in Macon County would be paid the sum of \$600 annually, payable in equal monthly installments, which would be over and above and in addition to all the fees collected. This added sum would be paid out of the county treasury on the warrant of the County Judge, or Chairman.

#### **Criminal Court**

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

1. Acts of 1907, Chapter 85, created the Criminal Court for the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith.
2. Private Acts of 1911, Chapter 648, amended the 1907 Act so as to change the opening dates for Smith and Trousdale counties.
3. Public Acts of 1925, Chapter 39, again changed the court times for some counties in the criminal division of the Fifth Judicial Circuit.
4. Public Acts of 1937, Chapter 205, which appeared in the Tennessee Code as Section 16-214, actually supplied the details of the establishment of Criminal Courts in the Fifth Judicial Circuit which included the counties of White, Putnam, Overton, Jackson, Macon, Trousdale, Smith and Wilson. Wilson County would begin the terms of court on the third Monday in April, August and December.
5. Private Acts of 1937, Chapter 521, amended Chapter 45, Private Acts of 1919, (See Circuit Court) in Section One by requiring the Judge of the Fifth Judicial Circuit to hold the criminal court of Wilson County at Lebanon on the third Monday in April, August, and December, and the Judge would also hold the civil court on the third Monday in January, May and September.

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

The following acts once affecting Macon County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 381, created the position of Assistant Attorney General for the Fifth Judicial Circuit, to which Macon County was assigned at that time, who shall be appointed by the Attorney General of the Circuit, be over twenty-five years of age and qualified for the post, who would serve at the pleasure and direction of the Attorney General, and who would be paid \$1,800 per year out of the State Treasury.
2. Private Acts of 1919, Chapter 166, expressly repealed Private Acts of 1907, Chapter 381, above, in its entirety. All subsequent laws relating to this position occurred under the authority of general state laws since no further private acts on the subject were discovered which affected Macon County.
3. Public Acts of 1977, Chapter 444, divided the criminal court of the Fifth Judicial Circuit into two

divisions, with Macon County in Division II. The District Attorney for the Fifth Judicial Circuit was to serve only in Division II and the Governor was to appoint a new district attorney for Division I.

### **General Sessions Court**

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

1. Private Acts of 1975, Chapter 152, amended Chapter 100 of the Private Acts of 1937 and Chapter 555 of the Private Acts of 1951, to divest the County Judge of juvenile jurisdiction and to vest such jurisdiction in the Court of General Sessions, and to provide for the clearing function for juvenile matters. This act was not approved at the local level and is therefore not operative and not in effect in accordance with its provisions.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1915, Chapter 117, created a position of Stenographer for the Chancellor of the Seventh Chancery Division to which Macon County was then assigned but later removed.
2. Public Acts of 1939, Chapter 156, created a position of Stenographer for the Judges of the Circuit and Criminal Courts of the Fifth Judicial District and set an annual salary of \$720 per year for each of the two positions. This Act, as amended, was repealed by Chapter 134, Public Acts of 1967, below.
3. Public Acts of 1959, Chapter 180, amended Public Acts of 1939, Chapter 156, above, by increasing the salaries of the Stenographers to the Judges of the Criminal and Circuit Courts from \$720 to \$2,400 per year.
4. Public Acts of 1963, Chapter 242, also amended Public Acts of 1939, Chapter 156, above, by increasing the annual salary of the Stenographers, whose positions were created therein, from \$2,400 to \$3,600 per year. This Act, and the one in Item 3, above, were both expressly repealed by Public Acts of 1967, Chapter 134.
5. Public Acts of 1967, Chapter 10, created a new 25th Judicial Circuit and in Section 5 thereof, gave the Judge of the newly formed Circuit the authority to employ a Secretary at an annual salary not to exceed \$3,600 who would serve at the pleasure and direction of the Judge.
6. Public Acts of 1967, Chapter 134, authorized the Judges of the Civil and Criminal Divisions of the 5th Judicial Circuit to each appoint one Secretary to perform such duties as may be assigned to them and to serve at the pleasure of the Judge. Each would be paid a salary set by the Judge but not to exceed \$3,600 which would be paid out of the State Treasury by the Executive Director of the Supreme Court, or the Director of Accounts. This Act also repealed all the former acts on this subject, reciting each one by chapter number and year.

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