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Chapter V - Court System

Dear Reader:

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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,

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Chapter V - Court System

Circuit Court

Baliff

Private Acts of 1941 Chapter 350

SECTION 1. That the Judge of the Circuit Court in all Counties of the State having a population of not less than 32,718, nor more than 32,720, according to the Federal Census of 1940, and/or any subsequent Federal Census, shall be authorized to appoint some suitable person as Bailiff or Court Officer to attend and wait upon the Circuit Court of said County and the Jurors at all regular and special terms of said Court.

SECTION 2. That the said Bailiff or Court Officer shall serve at the will and under the direction of the Circuit Judge as to all of his duties and shall receive as compensation for his services such amount as shall be determined by the Quarterly County Court for each day he waits upon the Court during a regular or special term thereof, which compensation shall be paid out of the Treasury of the County in which he serves upon the warrant of the person authorized to disburse County funds, and such payment to be made at the end of each regular or special term during which said officer serves.

As amended by: Private Acts of 1943, Chapter 232,
Private Acts of 1965, Chapter 8.

SECTION 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: February 13, 1941.

Criminal Court

Public Acts of 1972 Chapter 442

COMPILER'S NOTE: The effect of the Public Acts of 1984, Chapter 931, now T.C.A. § 16-2- 506, on this Act is unclear. This Act may have been superseded, but is included in this compilation since certain provisions may remain operative in Sumner County, which is now the eighteenth judicial district.

SECTION 1. A separate criminal court for the Ninth Judicial Circuit in Tennessee, with criminal jurisdiction only, is hereby created composed of the counties of Robertson and Sumner.

SECTION 2. Nothing in this act shall be construed to affect the Ninth Judicial Circuit for civil cases, it being the intent of this act to create a new criminal court jurisdiction only in the counties herein provided and not to interfere with the civil jurisdiction of the court in the Ninth Judicial Circuit, including the two (2) counties herein named, as now constituted by law.

SECTION 3. [Amended T.C.A. § 16-219 which was repealed by the Public Acts of 1984, Chapter 931.]

SECTION 4. [Amended T.C.A. § 16-220 which was repealed by the Public Acts of 1984, Chapter 931.]

SECTION 5. All criminal cases, excepting those which have heretofore been heard and taken under advisement, now pending in the counties of Robertson and Sumner, shall be transferred to the new criminal court and tried by the court herein created, and all bonds shall be taken and all process heretofore or hereafter issued shall be hereby made returnable to the courts at the times and places fixed for the holding of same in the foregoing provisions.

SECTION 6. The judge of the new criminal judicial circuit is hereby authorized to employ a secretary, at a salary authorized by the Executive Secretary of the Supreme Court, to be paid in equal monthly installments out of the Treasury of the State of Tennessee. The name of such person, together with his or her address, shall be certified by said judge to the Executive Secretary of the Supreme Court.

SECTION 7. The Governor shall immediately and upon the passage of this act, appoint a judge for this new criminal circuit, who shall be learned in the law, not less than thirty (30) years of age, and who shall hold such office until September 1, 1972, and until a successor is elected and qualified; and at the August election in 1972 there shall be elected by the qualified voters of Robertson and Sumner counties a judge of said criminal circuit who shall hold his office until September 1, 1974, and until his successor is elected

and qualified, and at the August election 1974 and thereafter, every eight (8) years, a judge for said circuit shall be elected by the qualified voters. Such judge shall receive the same salary and emoluments, payable in like manner, and shall have the same powers as other criminal judges of this state, and may interchange with any of the circuit or criminal judges or chancellors of this state.

SECTION 8. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: February 9, 1972.

Public Defender

Public Acts of 1973 Chapter 168

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

SECTION 1. There is created the office of Public Defender in the counties of this state having a population of not less than 56,100, and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census.

SECTION 2. Immediately upon the passage of this Act in all counties of this state having a population of not less than 56,100 and not more than 56,125, according to the Federal Census of 1970, or any subsequent federal census, the Quarterly County Court, at its next regular meeting, shall elect a Public Defender who shall be a person licensed to practice law and who shall hold said office for a term of two (2) years, or until a general law shall provide for a Public Defender System in all counties of this state. The Public Defender shall be elected by a majority of the members of the Quarterly County Court. The Public Defender shall take office upon the approval of this Act by the Quarterly County Court as provided by law and his successor shall be elected in the same manner each two (2) years thereafter.

SECTION 3. The Public Defender shall be required to appear and defend, without expense, and to represent generally, all persons who are without means to employ counsel, and who have been charged with the commission of a misdemeanor, or an offense in the General Sessions Court of said counties, for which a conviction of the same would, or might, result in said person, or persons, being punished by imprisonment in the County Workhouse. Said Public Defender shall further prosecute or appeal to a higher court, or courts, on behalf of such persons, who have been convicted as aforesaid, where, in his opinion, there is error in the conviction had, and such appeal will, or might reasonably be expected to result in the reversal or modification of the judgment or conviction. Said Public Defender shall further represent and defend those persons who have been found to be indigent and are before the General Sessions Court of said counties for preliminary hearings and charged with the commission of a felony. Said Public Defender shall advise and counsel such persons as to their rights concerning said preliminary hearing and inform them of the nature of said proceedings which might result in an indictment therefrom; however, in no event shall the Public Defender represent any such person other than in the General Sessions Court of such counties, other provisions having been established by law to provide for adequate representation for such persons charged with the commission of a felony.

SECTION 4. (a) The Public Defender shall receive a salary of FOUR THOUSAND EIGHT HUNDRED (\$4,800.00) DOLLARS per annum, payable in equal monthly installments, to be paid by the County in which he is elected, in the same manner as other county offices are paid; (b) the Quarterly County Court shall increase said compensation and expenses of said office in such amounts, and at such times, as it deems appropriate, by a majority vote of said Quarterly County Court; (c) He shall take and file the required oath of office, (d) every person who shall be appointed a Public Defender shall be a citizen and resident of the county in which he is appointed; (3) the Public Defender shall be allowed to continue his private practice of law, both civil and criminal; however, said Public Defender shall appear and be present at such times and places as shall be required to carry out his duties as defined herein.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply on or before December 1, 1973. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: May 2, 1973.

General Sessions Court

Private Acts of 1949 Chapter 481

SECTION 1. That there is hereby created and established a Court in and for Sumner County, Tennessee, which shall be designated "Court of General Sessions of Sumner County, Tennessee." Said county shall provide a Court Room at Gallatin, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general county funds of said county. The regular place for holding said Court shall be at the Court Room provided for said Court in Gallatin, Tennessee, but said Court may be held, in the discretion of the Judge thereof, at any other place or places in Sumner 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 of 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.

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 judgment 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 cost deposit of not less than One Dollar and Fifty Cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take the oath prescribed for poor persons, and on motion the Court may in his discretion increase the amount of such bond or deposit.

SECTION 5. That the rules of pleading 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 Sumner 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 offenses 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 and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Sumner County, where such appeal shall be tried by a Judge or such Court without a jury, and without indictment or presentment. That it shall be the mandatory duty of the Judges 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 only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Courts may proceed to hear and determine such 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 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 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 offices, 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 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 and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments 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. 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 Eighteen Thousand Seven Hundred (\$18,700.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general funds 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 Gallatin, Tennessee, under any contract made by the said city with the County of Sumner.

As amended by: Private Acts of 1974, Chapter 306.

COMPILER'S NOTE: Section 9 of this Act has been superseded, although not expressly repealed by Private Acts of 1982, Chapter 236, Section 17, printed in this volume.

SECTION 10. That J. W. Murrey, Senior, of Gallatin, Tennessee is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1950, 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, 1950, and shall hold said office from the first day of September, 1950, until the first day of September, 1958, 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 act 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 Sumner 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, that when such papers shall have been issued by a Justice of the Peace of Sumner County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Sumner 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.

As amended by: Private Acts of 1949, Chapter 857.

SECTION 14. That the Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior courts. 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 any 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, judgment 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 which are undisposed of or pending in the offices of 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 been 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 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 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 affect the remainder of this Act, but 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 portions elided therefrom.

SECTION 19. That this Act shall take effect on July 1, 1949, and not until then, except that after the passage of this Act prior to July 1, 1949, 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 not take the oath of office or be entitled to any salary until July 1, 1949, the public welfare requiring it.
Passed: April 1, 1949.

Division II

Private Acts of 1982 Chapter 236

SECTION 1. DESIGNATION. There is hereby designated a "Division I, Court of General Sessions of Sumner County, Tennessee," which shall consist of the presently-existing General Sessions Court of Sumner County, Tennessee, as established by Chapter 481 of the Private Acts of 1949 and all other Acts amendatory thereto.

SECTION 2. CREATION. There is hereby created and established another court in and for Sumner County, Tennessee, which shall be designated "Division II, Court of General Sessions of Sumner County, Tennessee".

SECTION 3. JURISDICTION. The Division I, Court of General Sessions of Sumner County, Tennessee, shall retain the jurisdiction previously conferred thereon, with the exception that the jurisdiction bestowed on said Court by Chapter 298 of the Private Acts of 1974 is hereby divested. The Division II, Court of General Sessions of Sumner County, Tennessee, as herein created, is hereby vested and shall have as its primary function jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in the juvenile courts by the General Laws of the State of Tennessee including, but not limited to, the jurisdiction as is now vested in the County Court of Sumner County, Tennessee, by the General Laws in the State of Tennessee and its judicial powers vested in the County Judge of Sumner County, Tennessee, by Private Acts and by Tennessee Code Annotated Title 30, Chapters 1 through 20, inclusive; Tennessee Code Annotated Title 31, Chapters 1 through 8, inclusive; Tennessee Code Annotated Title 32, Chapters 1 through 5, inclusive; Tennessee Code Annotated Title 34, Chapters 1 through 11, inclusive; Tennessee Code Annotated Title 35, Chapters 1 through 11, inclusive; Tennessee Code Annotated Title 37, Chapters 1 through 17, inclusive; and Chapter 92 of the Private Acts of 1961 as amended by Chapter 306 of the Private Acts of 1974, all to the extent that under such laws the jurisdiction thereunder was vested heretofore in any juvenile court or any county court or any court exercising the jurisdiction thereof; and in addition to the jurisdiction and powers conferred above, is hereby vested and shall have concurrent jurisdiction with the Circuit Court and Chancery Court in this County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the General Laws of the State of Tennessee over domestic matters including, but not limited to, Tennessee Code Annotated Title 36, Chapters 1 through 13, inclusive. The Division II, Court of General Sessions, when exercising the jurisdiction conferred upon the General Sessions court shall be designated "Division II, General Sessions Court of Sumner County, Tennessee". When exercising the other jurisdiction herein, it shall be designated as the "Family Court of Sumner County, Tennessee".

As amended by: Private Acts of 1989, Chapter 93.

SECTION 4. DIVESTURE OF JUDICIAL POWERS. The office of County Judge of Sumner county,

Tennessee, is hereby divested of any and all judicial powers that may heretofore have been granted by any former Private Acts; and to the extent thereof, such former Act is repealed. The office of Juvenile Court Referee, to the extent given jurisdictional authority under Chapter 298 of the Private Acts of 1974, is hereby divested of any and all judicial powers given thereunder.

SECTION 5. REPEAL OF PRIVATE ACTS. The office of Juvenile Court Referee, as established by Chapter 298 of the Private Acts of 1974, is hereby abolished; and said Act, under which such position was created, is hereby repealed. Chapter 92 of the Private Acts of 1961, as amended by Chapter 306 of the Private Acts of 1974, which together provide for the establishment of the juvenile court, to the extent that either may be inconsistent herewith, is repealed, except that the compensation provisions contained herein shall remain in effect through August 31, 1982.

SECTION 6. CLERKS OF THE COURTS. The Circuit Court Clerk of Sumner County, Tennessee, shall be the Clerk of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, to the extent that such Courts perform all the powers, duties and functions associated with juvenile and domestic matters and shall maintain such Minute Books and other records as may be required by law. The Clerks, when performing their duties, shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for said County by the General Laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Sumner County, Tennessee. The Clerks, when performing their duties, shall be empowered to designate, from time to time, one or more persons employed by them as Deputy Clerks for the Courts herein created.

As amended by: Private Acts of 1989, Chapter 93.

SECTION 7. CONCURRENT JURISDICTION. The Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, and the Judges thereof, are hereby vested with and shall have interchangeable jurisdiction with one another for any and all civil cases, suits or actions provided that such Judge shall, at the time, hold such qualifications as are required of judges to hear specific matters.

SECTION 8. JUDICIAL AUTHORITY. The Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall have all authority and jurisdiction to punish for contempt, to issue extraordinary writs and processes as now or shall hereinafter be exercised by any judge or chancellor or any Circuit and General Sessions Court of the State of Tennessee or such authority as may be granted under those laws specified in Section 3 herein and such other laws as may be presently or hereafter enacted granting power to the Courts herein created.

SECTION 9. APPEALS. Appeals from the Division I and Division II Courts of General Sessions of Sumner County, Tennessee, shall be to the Circuit Court of Sumner County, Tennessee, or such other court or such other appellate court of the State of Tennessee as may be provided from time to time by the General Laws of the State of Tennessee.

SECTION 10. QUALIFICATIONS AND ELECTION OF JUDGE. There shall be one judge for the Division II, Court of General Sessions of Sumner County, Tennessee, herein created who shall be duly licensed to practice law within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment, and who shall otherwise have all the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges, and who shall take the same oath as shall be required for other judges of the State of Tennessee. The position which is to be filled in accordance with the terms hereof shall be a full time position, and the person so elected shall not be permitted to have an outside practice of law. At the biennial election held in August, 1982, there shall be elected a judge for the Division II, Court of General Sessions, Sumner County, Tennessee, for a term of eight (8) years beginning on September 1, 1982, next and held at such biennial elections each eight (8) years thereafter.

SECTION 11. TEMPORARY INABILITY TO PRESIDE. If the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, as created, shall fail to attend or cannot preside in any pending case, or for any other reason shall not be able to hold court, he may designate in writing some person otherwise qualified to hold such court in his place and stead; or in default thereof, a majority of the attorneys then present may elect one of their number who has the qualifications of such Judge; and when such person shall have been appointed or so elected, he shall take the same oath and have the same authority as the said Judge to hold said court and perform all the duties of said occasion. In addition thereto, the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, and the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee, shall be empowered from time to time to interchange one from the other to hold such respective courts provided that such Judge sitting in interchange shall, at that time, hold such qualifications as are required of a judge to hear the specific matter on that occasion.

SECTION 12. VACANCY IN OFFICE. In case of a vacancy for any cause in the office of the Judge of the

Division II, Court of General Sessions of Sumner County, Tennessee, the same shall be filled by an election and appointment of the Sumner County Board of Commissioners of some person otherwise qualified to fill such vacancy; and such person so elected and appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 13. COURT OF RECORD. The Division II, Court of General Sessions of Sumner County, Tennessee, herein created, shall when required by law be treated and considered as a Court of Record and such Court shall be in continuous session without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION 14. PRACTICE AND PROCEDURE. The Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, shall from time to time be authorized and empowered to adopt rules of practice and procedure for the Court provided that they are not inconsistent with the substantive and procedural laws and rules of the State of Tennessee relative to the matters of the jurisdiction of the Court created hereby or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the Court herein created.

SECTION 15. APPROPRIATIONS FOR OPERATION. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the Judge, the Clerks and such other personnel, as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. The County of Sumner initially, upon creation of this Court, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings and supplies and equipment for the proper operation and maintenance of said Court and pay for same out of the County general funds. The regular place for holding said Court shall be in the courtroom provided in Gallatin, Tennessee, but at the discretion of the Judge thereof, said Court may be held in any other place or places and at such time and places as the Judge may designate.

SECTION 16. Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with: (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

As amended by: Private Acts of 2014, Chapter 40.

SECTION 17. COMPENSATION OF JUDGES. The compensation of the Judges of the Division I and Division II, Courts of General Sessions of Sumner County, Tennessee, shall, as of September 1, 1982, be calculated as follows: Each Judge shall receive seventy percent (70%) of the compensation afforded to Circuit Court Judges under the provisions of Tennessee Code Annotated, Section 8-23-103 (e), said salaries to increase proportionately with the increases provided the Circuit judges under the aforesaid Section. Upon the appointment and election of a qualified person to be the Judge of the Division II, Court of General Sessions of Sumner County, Tennessee, by the Sumner County Board of Commissioners, said Judge shall, until said September 1, 1982, receive the same monthly compensation as does the Judge of the Division I, Court of General Sessions of Sumner County, Tennessee.

SECTION 18. UNFINISHED AND PENDING MATTERS. All unfinished and pending matters in the court or courts exercising probate or juvenile court jurisdiction shall be transferred to the Division II, Court of General Sessions of Sumner County, Tennessee, at the close of business on the date preceding the day this Act becomes effective. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of said court shall hereby be delivered to such court.

SECTION 19. PROVISIONS SEVERABLE. Every provision of this Act is declared to be severable and should any portion of the same be held inconsistent or invalid for any reason, the same shall not affect the remainder of this Act, it being the intent herein that such unconstitutionally-declared portions shall be deleted and that the General Assembly would have enacted this Act with such unconstitutional or invalid portions deleted therefrom.

SECTION 20. APPROVAL OF COUNTY COMMISSION. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the members of the Sumner County Board of Commissioners on or before July

9, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the board and certified by him to the Secretary of State.

SECTION 21. EFFECTIVE DATE FOR THE PURPOSE OF APPROVING OR REJECTING THE PROVISIONS OF THIS ACT. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 20.

Passed: February 25, 1982.

Division III

Private Acts of 2014 Chapter 40

COMPILER'S NOTE: Although the caption of Private Acts of 2014, Chapter 40, stated that this act amended Private Acts of 1949, Chapter 481 (reproduced above), which created the Court of General Sessions of Sumner County, there was no amendatory language in the act itself and it is reproduced herein as a separate act.

SECTION 1. Effective September 1, 2014, there is created and established an additional Division of the Court of General Sessions of Sumner County, which shall be designated "Division III, Court of General Sessions of Sumner County", and there is created the position of General Sessions Judge to serve as Judge of Division III.

SECTION 2. The Judge for Division III of the Sumner County General Sessions Court shall have all the qualifications and shall be paid the same compensation as prescribed for judges in Divisions I and II.

SECTION 3. Upon the position of Judge for Division III being approved and created as provided in Section 11, the Sumner County Board of County Commissioners shall appoint, on or after September 1, 2014, but no later than September 1, 2015, a person to serve as the Judge of Division III until the next regular biennial election in August.

SECTION 4. At the next regular biennial election in August, a person shall be elected by the qualified voters of Sumner County to serve as Judge for Division III. The Judge of Division III shall take office on September 1, following the election and shall serve for the remainder of the unexpired term. Thereafter, the Judge of Division III shall be elected for a full eight (8) year term.

SECTION 5. In case of a vacancy, for any cause, in the office of the Judge of Division III, the Sumner County Board of Commissioners shall appoint a person qualified to fill such vacancy; and such person so appointed by the county commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 6. The jurisdiction of Division III of the General Sessions Court of Sumner County, shall be coextensive with, and the same as, the jurisdiction of Divisions I and II of such court. Such jurisdiction shall consist of all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 481 of the Private Acts of 1949, as amended by Chapter 236 of the Private Acts of 1982.

SECTION 7. The person acting as clerk for Division I and Division II of the Sumner County General Sessions Court shall also act as clerk for Division III created by this act.

SECTION 8. Chapter 236 of the Private Acts of 1982, and all acts amendatory thereto, is amended by deleting Section 16 in its entirety and substituting instead the following: Each July 1, the judges of the Sumner County General Sessions Court shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the Court, and shall be in charge of the general administration of the Court. The presiding judge of the Sumner County General Sessions Courts shall, from time to time, be authorized and empowered to adopt rules of practice and procedure for the Court. Provided, that they are not inconsistent with:

- (a) The substantive and procedural laws and rules of the state of Tennessee relative to the matters of the jurisdiction of the Court; or
- (b) Such rules as may be, from time to time, promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Sumner County General Sessions Court shall be empowered, from time to time, to interchange with each other and hold court in any Division.

SECTION 9. Sumner County shall provide all funding necessary for the establishment and operation of Division III of the Sumner County General Sessions Court created by this act, including a courtroom and

office space for the court and one (1) person to serve as secretary to the Division III Judge. Sumner County shall also fund one (1) additional assistant district attorney position and one (1) additional assistant public defender position and if necessary, a prorata cost for additional office space for such assistants.

SECTION 10. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the Court herein created; and, to the extent necessary, the Judges of the various Divisions, the Clerks, and such other personnel as may, from time to time, be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Initially, Sumner County, upon creation of this Court, and thereafter from time to time, as may be necessary, shall appropriate the required space to provide a courtroom in Gallatin, Tennessee, the necessary furnishings, supplies, and equipment for the proper operation and maintenance of the Court. These expenses shall be paid out of the County General Funds. The regular place for holding the Court shall be in the courtroom provided in Gallatin, Tennessee.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County by September 1, 2014. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sumner County and certified by that officer to the Secretary of State.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved.

Passed: March 27, 2014.

Juvenile Jurisdiction

Private Acts of 1961 Chapter 92

COMPILER'S NOTE: This Act was repealed by Private Acts of 1982, Chapter 236, inasfar as it is in conflict with that Act.

SECTION 1. That Chapter 481, Private Acts of 1949 be amended so that the General Sessions Court in Sumner County, Tennessee, shall be the Juvenile Court of said County with all the jurisdiction, powers, duties and authority vested by law in the Juvenile Courts of this State and to divest from the County Judge of said county all jurisdiction in juvenile cases.

SECTION 2. That Chapter 481, Private Acts of 1949 be amended so that the General Sessions Judge for his services as Juvenile Judge be paid \$3,800.00 per year in twelve equal monthly installments from the County Treasury.

As amended by: Private Acts of 1974, Chapter 306

The purpose of this amendment is to clearly provide that compensation of the General Sessions and Juvenile Judge for the General Sessions and Juvenile Court of Sumner County shall be Three Thousand Eight Hundred (\$3,800.00) Dollars per year for services rendered as Juvenile Court Judge and Eighteen Thousand Seven Hundred (\$18,700.00) Dollars per year for services rendered as General Sessions Court Judge, or a total compensation of Twenty-two Thousand Five Hundred (\$22,500.00) Dollars per year, beginning September 1, 1974.

As amended by: Private Acts of 1974, Chapter 306

SECTION 3. That Chapter 481, Private Acts of 1949 be amended so that the Circuit Court Clerk in said county shall be the Clerk of the Juvenile Court and perform all the powers, duties, and functions in that Court now performed by the County Court Clerk who shall have no further authority or responsibility in matters of the Juvenile Court.

SECTION 4. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 5. That this Act shall be of no force and effect until it shall have been approved by a two-thirds (2/3) majority of the Quarterly County Court of Sumner County, Tennessee.

SECTION 6. That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: February 15, 1961.

Safety Program

Private Acts of 1987 Chapter 96

SECTION 1. There is hereby created in Sumner County, a General Sessions Court, Division I, Court Administered Safety Program. The Court Administered Safety Program shall include but not be limited to a traffic school and a DUI school.

SECTION 2. The Judge of the General Sessions Court, Division I, is authorized and empowered to oversee the administration of the Court Administered Safety Program. There shall be established such financial accounts as are necessary to administer this program. Complete books and records of all fees received and all expenditures made shall be kept monthly.

SECTION 3. There is established a fee of ten dollars (\$10.00) for persons to enroll in the traffic school. With respect to the DUI school, there is established an enrollment fee of fifty dollars (\$50.00). Fees shall be collected by the Director of the Court Administered Safety Program and paid directly to the County General Fund within the time provided by statute. All persons receiving or handling funds under this Section shall be properly bonded. Such fees may be increased by resolution of this county commission.

SECTION 4. The minimum requirements for Director of the Court Administered Safety Program shall be as follows:

- (a) A degree in social services or other related field with five (5) years experience in chemical dependency, treatment and aftercare;
- (b) Experience in training and in management;
- (c) Proven ability to work with court, probation and criminal justice systems; and
- (d) Effective communication skills

SECTION 5. A budget for the Court Administered Safety Program shall be compiled annually and submitted to the Budget and Finance Committee and the County Commission for approval at the appropriate time.

SECTION 6. All funds collected pursuant to this act shall be allocated to the Court Administered Safety Program and may only be expended for purposes reasonably related to the effectuation of this act.

SECTION 7. 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 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County before October 1, 1987. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: April 29, 1987.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1792, Chapter 1, divided the area which was later to become the State of Tennessee, then a part of North Carolina, into three Districts for the trial of all causes, both civil and criminal, and for the procurement of jurors, in the proper manner, when necessary. These Districts were the District of Washington, the District of Hamilton, and the District of Mero.
2. Acts of 1799, Chapter 40, apportioned the number of jurors which each county in the Mero District would furnish to the Courts of the District. Davidson County would provide ten (10) jurors; Sumner, seven (7); Smith, four (4); Wilson, four (4); Robertson, five (5); Montgomery, five (5); and Williamson, five (5).

3. Acts of 1803, Chapter 73, fixed the number of jurors each county was obligated to send to the District Courts in the Mero District. Sumner County was required to furnish six (6) Jurors.
4. Acts of 1806, Chapter 24, returned Wilson County to the Mero District and fixed the number of jurors to be furnished by each county. Davidson County would supply twelve (12) jurors; Sumner County, eight (8) jurors; Wilson County, six (6) jurors; Williamson County, eight (8) jurors, and Rutherford County, five (5) jurors.
5. Acts of 1817, Chapter 128, made it lawful for the Justices of twenty-one (21) counties, including Sumner, to levy a tax on the taxable property of the county to compensate the juries attending the Courts of these counties.
6. Private Acts of 1819, Chapter 62, was the legal authority for the counties of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury to appoint thirty-seven (37) jurors for each county to attend the Circuit Courts and the County Courts. When selected, the jurors were bound to attend. If more jurors should be needed for any reason, the Judge was permitted to select them from the bystanders.
7. Acts of 1824, Chapter 14, provided that the Supreme Court of Tennessee should have two (2) additional Judges who would be elected by the joint ballot of both Houses of the General Assembly. Terms of the Supreme Court would be held only at Knoxville, Nashville, and Jackson from that date forward.
8. Acts of 1835-36, Chapter 3, enacted after the adoption of the 1835 Constitution of the State, set up a three (3) Judge Supreme Court, one from each of the major divisions of the State, who would be appointed by the General Assembly. The Court would hold at least one session each year in each Grand Division of the State, at Knoxville, Nashville, and Jackson. Sumner, and twenty-three (23) other counties, made up the Middle Division of Tennessee.
9. Private Acts of 1927, Chapter 501, stated that in Sumner County, identified by use of the 1920 Federal Census, every regular juror would be entitled to receive \$3 per day for each day's attendance as a juror and such mileage as might be permitted under the law. This Act was repealed by Private Acts of 1974, Chapter 369.
10. Private Acts of 1933, Chapter 14, created a three (3) member Board of Jury Commissioners for Sumner County, identified by use of the 1930 Federal Census, who were required to be freeholders, residents for at least two (2) years, and not a state, county, or city official. The Board was appointed by the Circuit Court Judge for one year terms, and any vacancy filled would be for the unexpired portion. At least three (3) weeks prior to the opening of the Court term, the Board would meet to select at least 750 and no more than 1250 names of honorable citizens from the Civil Districts who would be eligible to serve as jurors. Each name chosen would be placed in alphabetical order on a list in a well bound book furnished by the Clerk and the entire list would be certified by the Commissioners. The names would also be placed on a card which would be put in a box, locked and sealed, and opened only in the presence of the Board or Court. The Board would meet at least two (2) weeks prior to every Court term and have a child under ten (10) years of age draw the number of names specified in an order from the judge who would be the jurors for the upcoming term of Court. Ten (10) days prior to the opening of Court the list selected by the child would be given to the Sheriff who would summon those whose names appeared thereon. No one could be excused except by the judge. Arrangements were also made to call up special panels of jurors and to supply more to venires which were exhausted by challenge or otherwise. Compensation was \$3 per day for the jurors. This Act was repealed by the one below and by Private Acts of 1974, Chapter 369.
11. Private Acts of 1933, Chapter 535, provided that every regular juror in Sumner County would be entitled to \$2 per day for each days attendance as a juror and would be paid such mileage as provided by law. Section 2 stated that each Foreman of the Grand Jury would be paid \$3 per day. This Act was repealed by Private Acts of 1974, Chapter 369.
12. Private Acts of 1943, Chapter 8, provided that every regular juror, including Grand Jurors, petit jurors, extra and pick-up jurors would receive \$3 per day and mileage, or ferriage, as provided by law. Section 2 fixed the compensation of the Foreman of the Grand Jury at \$4 per day for each day's attendance. This Act was repealed by Private Acts of 1974, Chapter 369.
13. Private Acts of 1943, Chapter 112, expressly repealed Private Acts of 1933, Chapter 14, above. This Act was repealed by Private Acts of 1974, Chapter 369.
14. Private Acts of 1951, Chapter 257, was a new Act for a Board of Jury Commissioners for Sumner County. The three (3) members of the Board were required to be residents of the county who were not state, county, or city officials. The Circuit Judge, the County Judge, and the Chancellor of

the Chancery Court would each appoint one member. Terms were for two years. Members could not have a suit pending and seek the appointment. Vacancies would be filled by the Judge making the original appointment. The members would select a Chairman and retire to a room in the Courthouse to discharge their duties. The Board would select at least 750 names as prospective jurors, would have the names typed on a 1" x 3" piece of paper and include the Civil District of the persons residence. The names were placed in the jury box, furnished by the Clerk, when the names were chosen. Fourteen (14) days, or more, before the opening of Court, the Clerk would open the box in the presence of the Court, or the County Judge and Sheriff, and a child, ten (10) years old, or younger, would select thirty-seven (37) names from the box to serve as jurors for that term. The Sheriff would summon them for duty. Provisions were incorporated for exhausted panels and for special venire. No trial judge could excuse the jurors from service, but conditions were set up for purging the lists at intervals when the need should arise. This Act was repealed by Private Acts of 1974, Chapter 369.

15. Private Acts of 1955, Chapter 47, amended Private Acts of 1951, Chapter 257, above, Section 6, by inserting a provision which stated that twelve (12) names be drawn and a foreman appointed by the court under general law, would constitute the Grand Jury. This Act deleted the provision that the presiding Judge would appoint the Foreman of the Grand Jury. This Act was repealed by Private Acts of 1974, Chapter 369.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Sumner 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 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the present places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville, on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta, on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks unless the docket was completed sooner.
2. Acts of 1824, Chapter 14, required that the Judges of the Supreme Court make the arrangements among themselves to hold the Chancery Courts of the State at least twice each year at the places listed in the Act, which were Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Charlotte, Jackson, and at Carthage for the counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson, on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, divided the State into two Chancery Divisions, the Eastern, which had the courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western which embraced the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Public Acts of 1827, Chapter 88, provided that the Justices of the Supreme Court would hold Chancery Court twice each year at Greenville, Rogersville, Kingston, McMinnville, and at Carthage for the counties of Overton, Jackson, Fentress, Smith, Sumner, and Wilson, on the third Monday in January and July.
5. Public Acts of 1832, Chapter 19, changed the terms of the Chancery Court for several of the counties in the Eastern District but the Court at Carthage would continue to open on the third Monday in January and July.
6. Acts of 1832, Chapter 21, changed the terms of the Chancery Court at Carthage to the second Monday in January and July.
7. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Robertson and Sumner County were the 14th District of the Middle Division, whose Court would be held in Gallatin on the second Monday in April and October but suits originating in Robertson County may be filed at Clarksville or at Gallatin.
8. Acts of 1837-38, Chapter 116, changed Court terms for several of the Courts of Equity in the Eastern and Middle Division of the State but no change was made in Sumner County.
9. Acts of 1851-52, Chapter 353, rescheduled the term of the Chancery Court for Sumner County. After the next April term, Chancery Court would be held on the first Monday in October and April

of each year.

10. Acts of 1853-54, Chapter 55, set the Chancery Court terms for several of the counties changing Sumner County's Court at Gallatin to the second Monday in March and September.
11. Acts of 1857-58, Chapter 88, was a complete revision of the lower equity judicial system of the State. Sumner County was assigned to the Fourth Division along with the counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Bedford, Lincoln, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford. The court terms for Sumner County would begin in Gallatin on the second Monday in April and September.
12. Private Acts of 1859-60, Chapter 14, created the Seventh Chancery Division of Tennessee allocating to it the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart. The elected Chancellor would also have the jurisdiction of a Circuit Judge and would hold the Circuit Court of Sumner County on the first Monday of September and second Monday in March. The Chancellor for the new Division would be elected at the next general election.
13. Acts of 1868-69, Chapter 18, provided that the Chancery Court of the Seventh Chancery Division and the Circuit Court of Sumner County would be held at the time and places designated. The Chancery Court at Gallatin would hereafter commence its terms on the third Monday in March and on the first Monday in September of each year.
14. Acts of 1870, Chapter 32, organized the State into twelve Chancery Districts. The Sixth District was made up of the counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham, and Trousdale.
15. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Court in every county in the State. In Sumner County, the Chancery Court would begin its terms on the fourth Monday in April and September.
16. Acts of 1873, Chapter 12, rescheduled the terms of the Chancery Courts in the Sixth Chancery Division which contained the counties of Houston, Cheatham, Stewart, Trousdale, Robertson, Wilson, Montgomery, and Sumner. The Chancery Court for Sumner County would start its terms on the first Monday in June and the third Monday in December.
17. Acts of 1877, Chapter 47, rearranged the opening dates of the Chancery Court terms in the 6th Chancery Division. The Chancery Court at Gallatin would start on the first Monday in January and June.
18. Acts of 1879, Chapter 36, changed some of the Chancery Court terms in the Sixth Chancery Division but did not change Sumner County.
19. Acts of 1883, Chapter 21, reset the terms of the Chancery Court in the counties of the Sixth Chancery Division. The Division contained the counties of Trousdale, Stewart, Houston, Montgomery, Wilson, Cheatham, Robertson, and Sumner whose Chancery Court would meet at Gallatin on the second Monday in December and the first Monday in June.
20. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower Court System of the State. Eleven (11) Chancery Divisions were formed and the 8th Chancery Division was composed of the counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale where the Sumner County Courts would convene on the first Monday in June and December in Gallatin. This Act, and nearly every other organizational and jurisdictional Act, was part of the litigation in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
21. Acts of 1899, Chapter 427, completely revised the lower judicial system of Tennessee dividing the State into ten (10) Chancery Divisions. The 6th Chancery Division had in it the counties of Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson. Chancery Court in Gallatin would start on the first Monday in May and the second Monday in November.
22. Acts of 1905, Chapter 286, revised the schedule of Chancery Court terms in the 6th Chancery Division which retained the counties assigned to it by the 1899 Act above. The Court schedule in Sumner County began on the first Monday in May and the second Monday in November.
23. Private Acts of 1919, Chapter 455, again changed the schedule of Chancery Court terms in the 6th Chancery Division but Sumner County retained the schedule of the first Monday in May and the second Monday in November.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a total revision of the lower court structure of the State. This Act was the last Act of this nature appearing in the volumes of private acts. Later Acts became a part of the Tennessee Code Annotated. Fourteen Chancery Divisions were

organized in the State. The 6th Division contained the counties of Montgomery, Robertson, Hickman, Cheatham, Stewart, Houston, Dickson, Humphreys, Wilson, and Sumner where the Court terms would begin on the first Monday in May and the second Monday in November.

25. Public Acts of 1941, Chapter 27, altered and increased the number of Chancery Court terms for the counties of the 6th Chancery Division by amending Section 159 of the Tennessee Code. Sumner County's Court terms would begin, in Gallatin, on the first Monday in February, April, June, August, October, and December.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Sumner County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1857-58, Chapter 82, made it the duty of the Secretary of State to furnish the Clerks and Masters of Chancery Courts with the reports of the Supreme Court.
2. Private Acts of 1927, Chapter 277, stated that in Sumner County, identified by the use of the 1920 Federal Census figures, the Clerk and Master of the Chancery Court would be paid \$1,800 annually, provided a sworn, itemized statement was filed each quarter with the County Judge, or Chairman, showing all the fees collected by the office. If the fees did not equal the salary, the County must pay the difference to the Clerk and Master. This Act was repealed by Private Acts of 1974, Chapter 369.

Circuit Court

The following acts were once applicable to the circuit court of Sumner 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 1786, Chapter 32, which created Sumner County provided that the Courts would be held at the home of James Hamilton until better arrangements could be made. The Court had the authority to adjourn to any other place in the county which was more convenient.
2. Acts of 1806, Chapter 19, divided the Mero District into three separate Districts. Robertson District had the counties of Dickson, Montgomery, Stewart, and Robertson for which two Superior Courts would be held in Clarksville on the first Monday in June and December. The Winchester District was made up of the counties of Jackson, Smith, and Wilson and, for the next four years, or until changed by the General Assembly, would hold its two Superior Court meetings at Carthage on the third Monday of April and October. The remainder of the counties, Davidson, Sumner, Williamson, and Rutherford, would constitute the Mero District which would continue court terms as before.
3. Acts of 1809 (1st Sess.), Chapter 49, formed five (5) Judicial Circuits in the State. The Third Circuit contained the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Courts would be held in all circuits twice each year by the five Circuit Judges, appointed by joint ballot of the General Assembly and commissioned by the Governor. The Judges would appoint a Clerk for the Courts in their Circuit. In Sumner County the Circuit Court terms would begin on the second Monday in April and October.
4. Acts of 1812, Chapter 68, rearranged the terms of the Circuit Courts in several of the counties. Sumner County's Circuit Court would start its terms on the second Monday in March and September of each year.
5. Acts of 1815, Chapter 139, reset the terms of the Circuit Court in Sumner County for the first Monday in April and October in each and every year requiring all process and bonds to be made to conform.
6. Acts of 1817, Chapter 65, created the Sixth Judicial Circuit assigning to it the counties of Lincoln, Giles, Maury, Bedford, and Lawrence. The remainder of the Fourth Judicial Circuit, from which these counties were taken, plus Sumner County would constitute the Fourth Circuit. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Judicial Circuits. Courts would open in Sumner County on the Second Monday in March and September for two weeks or until the docket was completed.
8. Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven (11) Judicial Circuits. Courts would meet for three terms a year instead of two. The Sixth Judicial Circuit was composed of the counties of Williamson, Davidson, and Sumner where the Circuit Court would convene in Gallatin

on the first Monday of February, June, and October.

9. Acts of 1853-54, Chapter 52, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge to hold the Circuit Court of Sumner County at the times appointed by law and the same Judge would hold the criminal courts of the other three Counties. Davidson, Sumner and Williamson Counties would elect an attorney-general to attend the Circuit Court of Sumner County and the Criminal Court of Davidson County. This Act was repealed by the one following.
10. Acts of 1853-54, Chapter 59, repealed those Sections of Chapter 52, above, concerning the Circuit and Criminal Courts of the counties mentioned.
11. Acts of 1855-56, Chapter 158, stated that the Circuit Court of Sumner County, now being held by the Judge of the Sixth Judicial Circuit, was transferred and would thereafter be held by the Judge of the Criminal Court Circuit composed of the Counties of Rutherford, Montgomery, and Davidson.
12. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the State into sixteen (16) Judicial Circuits. The Ninth Judicial Circuit comprised the Counties of Davidson, Williamson, and Sumner, whose Circuit Court terms would begin on the third Monday of February, June, and October, and the Judge of the Criminal Court at Nashville would hold the Circuit Court of Sumner County.
13. Private Acts of 1859-60, Chapter 14, which established the Seventh Chancery Division in Tennessee, also gave the Chancellor the powers of a circuit judge and the responsibility of holding the Circuit Court of Sumner County which would meet on the fourth Monday in February, June, and October.
14. Acts of 1868, Chapter 45, stated that the Circuit Court of Sumner County would be presided over by the Chancellor of that Division as provided by law and causes carried to the Supreme Court from the Circuit Court of Sumner County would be docketed and heard with the business of the Sixth Judicial Circuit. The terms of the Circuit Court in Sumner County would begin on the third Monday in February, June, and October.
15. Acts of 1868-69, Chapter 18, provided that the Circuit Court for Sumner County would be held at Gallatin on the fourth Monday in February, the third Monday in June, and the second Monday in November of each year.
16. Acts of 1870, Chapter 31, reorganized all the Circuit Courts of the State into fifteen (15) regular, and one special, judicial circuits. The Tenth Circuit was made up of the Counties of Robertson, Montgomery, Stewart, Cheatham, Dickson, Humphreys, and Sumner.
17. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts for every county in the State. Sumner County began its terms of Circuit Court on the fourth Monday in February, June and October.
18. Acts of 1871, Chapter 149, amended the Act establishing the Law Court of Nashville so that the Judge of the Law Court in Nashville would hold the Circuit Court of Sumner County at the times fixed by law which were the first Monday in January, May, and September. Section 4 provided that the Attorney-General of the Tenth Judicial Circuit would continue to attend the Circuit Court of Sumner County. This Act was repealed by Private Acts of 1974, Chapter 369.
19. Acts of 1877, Chapter 166, provided that the Judge of the Circuit Court of the Tenth Judicial Circuit would hold the Circuit Court of Sumner County in the same manner as prior to the assignment of it to the Judge of the Law Court at Nashville.
20. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen (14) regular and one special Judicial Circuits were established. The Tenth Judicial Circuit contained the counties of Sumner, Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson, and Humphreys. Court would begin, in Gallatin, in Sumner County on the fourth Monday in February, June and October.
21. Acts of 1887, Chapter 14, amended Acts of 1885 (Ex. Sess.), Chapter 20, so that the Circuit Court of Sumner County would meet on the third Monday in February, June, and October, with the requirement that all outstanding bonds and process be made to conform to the changes.
22. Acts of 1889, Chapter 152, changed the time for holding the June term of the Circuit Court of Sumner County from the third Monday to the fourth Monday, all process being conformed accordingly.
23. Acts of 1899, Chapter 427, in its complete reorganization of the lower court system of the state, divided the Circuit Courts into fourteen (14) Judicial Circuits. The Ninth Circuit contained the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson,

and Sumner where the Circuit Court would commence its terms on the second Monday in February, June, and October.

24. Acts of 1903, Chapter 29, reset the terms of the Circuit Courts in the counties of the Ninth Judicial Circuit which were Robertson, Cheatham, Montgomery, Houston, Stewart, Dickson, Humphreys, and Sumner. Circuit Court in Sumner County would begin its term on the second Monday in January, the third Monday in May, and the second Monday in September at Gallatin.
25. Acts of 1909, Chapter 329, rearranged the terms of some of the Circuit Courts in the Ninth Judicial Circuit but the Sumner County Circuit Court continued to meet on the second Monday in January and September, and the third Monday in May.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. This was the last Act on the State Courts appearing in the volumes of Private Acts. Twenty (20) Judicial Circuits were formed. The Ninth Judicial Circuit was composed of the counties of Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson, Humphreys, and Sumner County. In Sumner County the Circuit Court continued to meet on the second Monday in January and September, and the third Monday in May.
27. Public Acts of 1953, Chapter 2, changed the opening dates of the Sumner County Circuit Court to the second Monday in January, May, and September.

Circuit Court - Baliff

The following acts once affected, or were thought to affect, the office of Bailiff in Sumner County.

1. Private Acts of 1943, Chapter 232, amended Private Acts of 1941, Chapter 350, Section 2, by increasing the compensation of the Bailiff of the Circuit Court from \$3 to \$4 per day.
2. Private Acts of 1953, Chapter 8, is listed in some works of this type as affecting the Bailiff of the Sumner County Circuit Court but this is in error. This Act relates to a public building in Lewis County.

Circuit Court - Clerk

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

1. Public Acts of 1857-58, Chapter 82, was the authority for the Secretary of State to furnish the Clerk of the Circuit Court of Sumner County with the reports of the Supreme Court from the first volume of Yerger's Reports. The Comptroller was authorized to pay any charges involved.
2. Acts of 1903, Chapter 255, set up a schedule of annual salaries for Circuit Court Clerks based upon the population of the county in which the Clerk was serving. According to population figures, the Circuit Court Clerk of Sumner County would have been paid \$1,000 annually under the Act. The Clerk was required to file an annual, sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees collected by the office during the year. If the fees were less than the salary, the County would supply the difference but, if the fees exceeded the salary, the Clerk could retain the surplus.
3. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, by making the salary of the Circuit Court Clerk of Sumner County reach \$1,500 annually.
4. Private Acts of 1925, Chapter 532, increased the annual salary of the Sumner County Circuit Court Clerk to \$1,800 annually and required the County Judge to supplement the fees of the office up to that amount if the fees were not sufficient. The Clerk was required to file a sworn, itemized statement of the fees collected with the County Judge, or Chairman, on the first Monday in September of each year.
5. Private Acts of 1931, Chapter 796, provided that the Circuit Court Clerk of Sumner County, identified by the 1930 Federal Census, would be paid the sum of \$600 a year as supplemental salary, which would be in addition to all the fees allowed to the said Clerk. This Act was repealed by Private Acts of 1974, Chapter 369.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Sumner 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 1807, Chapter 13, stated that a qualified, suitable, and competent person would

be appointed in the manner directed by law and the Constitution as the Attorney-General for the District of Winchester, Robertson, and Mero, as well as for the Districts of Washington and Hamilton.

2. Acts of 1817, Chapter 65, set up ten (10) Solicitorial Districts in Tennessee and assigned the counties of Davidson, Williamson, and Sumner to the Seventh Solicitorial District. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Acts of 1835-36, Chapter 28, enacted immediately after the 1835 Constitution was adopted, made each Solicitorial District coincide with each Judicial Circuit having criminal jurisdiction.
4. Acts of 1867-68, Chapter 45, incorporated Sumner County into the Solicitorial District of the Sixth Judicial Circuit and the Attorney-General for that district would attend the Circuit Court of Sumner County and discharge the duties appertaining to that office.
5. Acts of 1868-69, Chapter 15, appeared to repeal the 1868 Act, above, Chapter 45, which assigned Sumner County to the Attorney General of the Sixth Judicial Circuit but careful study of the Act reveals that it repealed only Section 9 which related to Franklin County.
6. Acts of 1871, Chapter 149, provided that the Attorney-General of the Tenth Judicial Circuit would continue to attend the Circuit Court of Sumner County. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Public Acts of 1929, Chapter 29, created the position of Assistant Attorney General for the Circuit to be appointed by the Attorney General. This Act was repealed by Private Acts of 1974, Chapter 369.
8. Public Acts of 1963, Chapter 358, Public Acts of 1972, Chapter 489, and Public Acts of 1973, Chapter 74, were special Public Acts not codified in the Tennessee Code Annotated. These Acts added two assistant district attorneys and a criminal investigator's position for the Ninth Judicial Circuit (Sumner and Robertson Counties). These Acts were superseded by Public Acts of 1984, Chapter 931 (T.C.A. 16-2-506 and 16-2-508), which placed Sumner County in the Eighteenth Judicial District and established the number of assistant district attorneys and criminal investigators for that Judicial District.
9. Public Acts of 1967, Chapter 65, was the authority for the Attorney General of Sumner County to appoint a deputy whose duties would be to investigate and take statements of witnesses in felony cases, to be a criminal investigator, and perform such other duties as the Attorney General might direct. The deputy, or officer, would make a \$5,000 bond and would be paid as determined by the Quarterly Court. This Act was repealed by Private Acts of 1974, Chapter 369.

General Sessions Court

The following acts once affected the general sessions court of Sumner 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 1957, Chapter 203, amended Private Acts of 1949, Chapter 481, by extending the jurisdiction of the General Sessions Court to include probate and juvenile matters with the County Court Clerk acting as Clerk in probate cases and the Circuit Court Clerk being designated as the Clerk in juvenile cases. Section 9 was changed by inserting a new Section requiring the General Sessions Judge to be learned in the law, and to devote his full time to the Court, being denied the right to practice law in other Courts. After September 1, 1958, the annual salary of the Judge would be \$7,500. An election would be called for the people to ratify the terms of this Act. This Act was rejected and never became effective.
2. Private Acts of 1961, Chapter 92, amended Private Acts of 1949, Chapter 481, by giving juvenile jurisdiction to the General Sessions Court, and Judge, and making the Circuit Court Clerk the Clerk of the Court. This Act was repealed by Private Acts of 1982, Chapter 236, insofar as it was in conflict with that Act.
3. Private Acts of 1965, Chapter 187, would have amended Private Acts of 1949, Chapter 481, by adding a new Section 3-A, which vested the Judge of the General Sessions Court with concurrent jurisdiction to try, hear, determine, and enforce cases arising under Chapter 10, Title 36 T.C.A., called the Reciprocal Enforcement of Support Act. This Act was rejected by the Quarterly Court and never became an effective law.
4. Private Acts of 1971, Chapter 184, created the position of Bailiff for the Court of General Sessions and the Juvenile Court of Sumner County who was vested with the same powers and authority as a regular, or special deputy. The duties of the position were enumerated and provision given to

the Quarterly Court to fix the pay of the position. This Act was disapproved by the Quarterly Court and never took effect.

5. Private Acts of 1972, Chapter 355, amended Private Acts of 1949, Chapter 481, Section 13, by rewriting that Section to provide that a Clerk for the General Sessions Court would be elected by the Quarterly Court at its regular April, 1972, Session who would hold the office until his successor was elected. All records of this Court would be transferred as soon as possible. This Act was never acted on and therefore never became an effective law.
6. Private Acts of 1974, Chapter 297, amended Private Acts of 1949, Chapter 481, as amended, be deleting Section 8, and adding a new section which said there would be one Judge of the General Sessions Court and, in addition to the qualifications established by Article 6, Section 4, of the State Constitution, the Judge must be learned in the law which would be evidenced by a license to practice law in the Courts of this State. The Act would not be effective unless approved by a majority of the voters in a referendum which was required by the Act to be held. This Act was rejected and never became an active law.
7. Private Acts of 1974, Chapter 298, created the office of Juvenile Court Referee in Sumner County. This Act was repealed by the Private Acts of 1982, Chapter 236.
8. Private Acts of 1974, Chapter 306, amended Private Acts of 1949, Chapter 481, Section 9, be deleting \$3,600, and inserting \$18,700. Section 2 of Chapter 92, Private Acts of 1961 was amended by striking \$1,800 and inserting \$3,800 as the compensation for being the Juvenile Judge. This Act was repealed by Private Acts of 1982, Chapter 236, insofar as it is inconsistent with that Act.
9. Private Acts of 1982, Chapter 218, amended Private Acts of 1949, Chapter 481, as amended, to increase the compensation of the judge of General Sessions Court. This Act was rejected or disapproved and did not become law.
10. Private Acts of 2002, Chapter 111, created an additional general sessions court to be designated as Division III and provided for a judge to serve such court. This act did not receive local approval and never became law.

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