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## Chapter V - Court System

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# Chapter V - Court System

## Court Officers

### Acts of 1867-68 Chapter 67

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than thirty-three thousand and fifty, nor more than thirty-three and sixty-five, according to the Federal Census of 1920, or any subsequent Federal Census, officers serving the Circuit and Criminal Courts shall receive a per diem of twenty-five dollars (\$25) per day compensation for their services to be paid by the county; provided further, that in all counties of the state having a population of not less than 51,000 nor more than 53,500 according to the 1960 Federal Census or any subsequent Federal Census, said officers shall be appointed by the presiding judge to serve at his pleasure and shall have the authority to administer oaths and shall be possessed of sufficient police power to maintain order in the court room and, to this end, shall be granted the legal authority to be armed.

As amended by:

- Private Acts of 1925, Chapter 556
- Private Acts of 1967-68, Chapter 187
- Private Acts of 1969, Chapter 63
- Private Acts of 1979, Chapter 137

**COMPILER'S NOTE:** The remainder of this Act has no effect on Rutherford County and is not reprinted here.

Passed: March 15, 1868.

## General Sessions Court

### Private Acts of 1947 Chapter 384

**SECTION 1.** That there is hereby created and established a Court in and for Rutherford County, Tennessee, which shall be designated Court of General Sessions of Rutherford County, Tennessee.

Said County shall provide a courtroom in the Town of Murfreesboro, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general funds of said County.

The Judge of the Court of General Sessions of Rutherford County, Tennessee, shall hold said Court in the court room so provided; and in his discretion the Judge of said Court may hold or try a case or cases in any part or locality of Rutherford County that he deems to be more convenient and accessible to the litigants and witnesses.

**SECTION 2.** That the Court of General Sessions of Rutherford County, Tennessee, shall be and is hereby vested with all of the jurisdiction and shall exercise all of 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, except those in the district where the Court sits, may issue criminal, civil and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected. But all process issued by Justices of the Peace shall be returnable to the Court of General Sessions of Rutherford County, Tennessee.

The authority of said Justices of the Peace of Rutherford County, Tennessee, in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony, is in no wise affected by this Act. The Judge of said Court of General Sessions shall have authority to interchange with the County Judge of Rutherford County and with the Chancellor and Circuit Judge holding Court in said county.

As amended by: Private Acts of 1953, Chapter 115

**SECTION 2. (A).** That the Court of General Sessions of Rutherford County, Tennessee shall be and is hereby concurrently vested with, and shall exercise, concurrently, all of the jurisdiction and authority conferred by the General Law of the State of Tennessee including but not limited to that conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the County Court, or the County Judge, or the chairman of the County Court, as a judicial office and as a judicial officer.

**SECTION 2 (B).** That any appeal from any action or judgement of said court shall be made in the form and manner, to the Court, within the time, and under such circumstances, as is prescribed by the General

Law of the State of Tennessee for appeals upon the same subject matter taken from courts having the same or equivalent jurisdiction as was exercised by the General Sessions Court from which an appeal is sought.

**SECTION 2 (C).** That, contrary provisions of this Act notwithstanding, the Clerk for all things and matters granted by the jurisdictional provisions of Section 2 (A) and 2 (B) above shall be the County Court Clerk of Rutherford County. For all other jurisdiction exercised by this court, the Clerk of the Court shall be the Circuit Court Clerk of Rutherford County as set forth in Section 16, et seq. of this Act.

As amended by: Private Acts of 1973, Chapter 118

**SECTION 3.** That before the commencement of any civil actions in said Court, the plaintiff shall be required to secure the costs by executing a cost bond with solvent security in a penalty of not less than \$25.00, or by making a cash deposit of not less than \$5.00, nor more than \$25.00, as may be deemed proper by the Judge or Clerk of said Court, or if a resident of the State of Tennessee, may in lieu thereof take and file the oath prescribed for poor persons, and on motion of the defendant, or on its own motion, the Court may have the amount of any such bond or cash deposit increased; and in the case of the issuance of extraordinary process such bond or oath shall be executed and filed as is required under the general laws for extraordinary process in Justice of the Peace Courts.

**SECTION 4.** No person having business in or before the Court, or any part thereof, shall be required or compelled to engage or employ the services of an attorney.

As amended by: Private Acts of 1973, Chapter 118

**SECTION 5.** That the rules of pleading and practice, form of writ and process and stay of appeals from judgements in civil cases of said Court shall be the same as of Justices of the Peace.

**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 officers, for service 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 the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant wherein the person charged with such misdemeanor offense enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases, the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter such judgement and, as an incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State; and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than \$50.00, or where a fine of any amount and imprisonment is prescribed.

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

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

**SECTION 8.** That separate dockets shall be kept by the Clerk, under the direction of the 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 payment upon the judgement 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, and shall also contain the information provided for in Section 10 of this Act.

The Judge of the Court of General Sessions shall have the power to and may adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 9.** That no warrant or information charging a person with an offense against the laws of the State shall be delivered from said Court to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk or Judge showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

**SECTION 10.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds, and appearance bonds of person charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Circuit Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

When Court is not in session, the Sheriff shall have the right to take bond for the appearance of a person charged with crime, but such bonds may be taken only at the County Jail and a record made thereof. Should the offense be a petty one and the person accused be a resident of the County, the Sheriff may release such person on his own recognizance. Also the Clerk of the Court, when the Judge thereof is not available, may take bond for the appearance of persons charged with crime, if such offense is bailable.

**SECTION 11.** That the compensation of the Judge of the Court of General Sessions of Rutherford County, Tennessee, shall be \$3,600.00 per annum, payable in equal monthly installments. Said salary shall be paid out of the general funds of the said County.

**SECTION 12.** That in order to carry out the purpose and intent of this Act, and to establish the machinery for the operation of this Court of General Sessions, the Honorable A. T. Todd, Jr., a member of the Bar Association of Murfreesboro, Tennessee, and a citizen of Rutherford County, Tennessee, is hereby appointed the first General Sessions Judge of said County, and he shall take office on April 1, 1947, and shall hold said office until the first election of a General Sessions Judge, as hereinafter provided.

The person named in this bill shall serve until September 1, 1948. At the regular August election, 1948, a Judge shall be elected for said Court by the qualified voters of said County to take office September 1, 1948, who shall serve until September 1, 1950. At the August election, 1950, there shall be elected by the voters of said County a Judge who shall hold office for a term of four years from September 1, 1950, and subsequent terms shall be for four years.

The Legislature declares that if the Court hereby created shall be held to be an inferior court within the contemplation of Article VI, Section 4, of the Constitution, and the Judge thereof entitled to a term of eight years, it would have enacted this statute with the term of the Judge fixed at eight years.

There is hereby created and established a Part II of the Court of General Sessions of Rutherford County, and the person to be appointed to fill such position shall be designated as Judge of Part II of said Court. The Judge of Part II shall be vested with the same authority and jurisdiction to try, hear and dispose of such matters, suits and cases as the Judge of Part I. The Governor of the State of Tennessee shall appoint a qualified person who shall serve as Judge of Part II, and the person so appointed shall serve until the next regular election to be held in August, 1974, at which time the qualified voters of said County shall, in the manner provided by law, elect a Judge of Part II of said Court for a full term. The said appointee shall continue to serve until the said electee qualifies for and assumes the office on September 1, 1974, and the full term of office of the Judge of Part II shall be the same as provided by law for the Judge of Part I.

The compensation of the Judge of Part II shall be the same as that of the Judge of Part I, and shall be paid in the same manner as now authorized for the Judge of Part I.

At all times, in a manner as decided upon by the Senior Judge, a judge of the General Sessions Court shall be available to the citizens of Rutherford County.

Effective September 1, 2006, there is created Part III of the Court of General Sessions of Rutherford County. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Rutherford County shall elect a person to serve as judge of Part III of the Court of General Sessions for an eight-year term.

Such person shall be required to possess all of the same qualifications as the general sessions judges in Parts I and II and shall be vested with the same authority and jurisdiction to try, hear and dispose of cases and other matters that come before such court as is conferred upon the judges in Parts I and II.

The judge of Part III shall receive the same compensation, payable in the same manner as the judges of Parts I and II.

Beginning September 1, 2006, the Judges or the General Sessions Court of Rutherford County shall designate, by a majority vote, one (1) of the three (3) judges to serve as the presiding judge for a one (1) year term. There is no limit on the number of consecutive terms a judge may serve as presiding judge. The presiding judge shall designate, determine the cases and the time for holding court for each judge. Until September 1, 2006, the present method of selecting the presiding judge shall remain in effect.

Effective September 1, 2016, there is created Part IV of the Court of General Sessions of Rutherford County. At the August general election in 2016, the qualified voters of Rutherford County shall elect a person to serve as judge of Part IV of the Court of General Sessions for a six (6) year term beginning September 1, 2016. The qualifying deadline for the 2016 election is at noon on the ninetieth day before the August general election. Any person qualifying for the 2016 election has until noon on the eighty-seventh day before the August general election to withdraw. After expiration of the initial six (6) year term, and every eight (8) years thereafter, the qualified voters of Rutherford County shall elect a person to serve as judge of Part IV of the Court of General Sessions for an eight (8) year term.

Such person shall be required to possess all the same qualifications as the general session judges in Parts I, II, and III and shall be vested with the same authority and jurisdiction to try, hear, and dispose of cases and other matters that come before such court as is conferred upon the judges in Parts I, II, and III.

The judge of Part IV shall receive the same compensation, payable in the same manner, as judges of Parts I, II, and III.

Beginning September 1, 2016, the Judges of the General Sessions Court of Rutherford County shall designate, by a majority vote, one (1) of the four (4) judges to serve as the presiding judge for a one (1) year term. There is no limit on the number of consecutive terms a judge may serve as presiding judge. The presiding judge shall designate, determine the cases, and the time for holding court for each judge. Until September 1, 2016, the present method of selecting the presiding judge shall remain in effect.

As amended by:  
Private Acts of 1973, Chapter 118  
Private Acts of 2005, Chapter 59  
Private Acts of 2016, Chapter 40

**SECTION 13.** That if the Judge of said court fails to attend, cannot preside in a pending case or for any reason hold Court, a majority of the attorneys present in such Court may elect some qualified person, and when elected he shall take the same oath and have the same authority as the regular Judge of said Court, to hold the Court and perform all the duties of such Judge for the occasion. In the event of a temporary disability on the part of said Judge, he is hereby authorized to appoint some qualified person, who shall hold Court in his stead for a period not exceeding two days at any stated time, with the provision that not more than two appointments each month shall be made by said Judge.

**SECTION 14.** That in case of vacancy for any cause, the Governor of the State of Tennessee shall have the power to appoint some qualified person to fill such vacancy until the first day of September following the next biennial August election occurring more than thirty days after the vacancy occurs or until his successor is elected and qualified.

**SECTION 15.** That the Clerk of the Circuit Court of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of the Court of General Sessions of Rutherford County, Tennessee." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County, the Clerk of said Court shall receive as his compensation the sum of \$1300.00 per annum, payable in equal monthly installments out of the general funds of said County, and shall pay to said County monthly all fees, the Clerk of said Court shall receive as his compensation the sum of \$1,300.00 per annum, payable in equal monthly installments out of the general funds of said County, and shall pay to said County monthly all fees, commissions, and emoluments of said Court of General Sessions and the same shall become a part of the general funds of Rutherford County, Tennessee.

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 1947, Chapter 737

**SECTION 16.** The judges of the General Sessions Courts, including the Probate Courts and the independent Juvenile Court of Rutherford County, Tennessee, are authorized and empowered to appoint

qualified persons that are at least eighteen (18) years of age to serve as court officers, which may include the offices of legal secretary, law clerk, Civil/Probate Court Coordinator, and Juvenile Court Magistrate, for such courts, and whose primary duties shall be to attend and wait upon those courts whenever they are in session, maintain order and decorum in the courtrooms and chambers, perform such other duties as the courts may prescribe, and to perform duties as defined in the job descriptions for such offices as adopted by the County Legislative Body. The officer or officers shall serve at the pleasure of the judges of such courts, and vacancies in the office shall be filled in the same manner and subject to the same terms as provided for the original appointments.

Before entering upon the duties of the officer, the officer or officers and any successor in the office, shall subscribe an appropriate oath chosen and administered by such officer's appointing judge.

At the expense of the County, and when performing any of the duties of the office, the officer, or officers and any successor shall display a badge of the office, and shall be entitled to compensation from the county treasury in such amount and upon such terms as the County Legislative Body shall determine from time to time.

As amended by: Private Acts of 1977, Chapter 76  
Private Acts of 2014, Chapter 76

**SECTION 17.** 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, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 18.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of 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 that have been completed shall be turned over to said County, as provided by law.

**SECTION 19.** That said Court shall have the authority to hear and determine all undisposed of cases in the Courts of the Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

**SECTION 20.** That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Rutherford County, Tennessee, from practicing law in the Chancery Courts, Circuit Courts, County Courts, and Appellate Courts of the State of Tennessee, except in cases having their origin in said Court of General Sessions of Rutherford County, Tennessee.

**SECTION 21.** That the General Assembly of the State of Tennessee expressly declares that each section, subsection, paragraph, and provision of this Act is several, 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 of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 22.** That this Act shall take effect on April 1, 1947, after its passage, the public welfare requiring it.

Passed: February 26, 1947.

**COMPILER'S NOTE:** The question of the constitutionality of portions of this Act, as amended, was raised in the case of O'Brien v. Rutherford County, 199 Tenn. 642, 288 S.W.2d 708 (1956), along with issues of equitable estoppel. Section 15 was declared unconstitutional as being in violation of Article 11, Section 8 of the Tennessee Constitution, and could properly be elided from the Act at the instance of one who was not estopped to question it.

## Private Acts of 1951 Chapter 516

**SECTION 1.** That the Judge of the Court of General Sessions of Rutherford County, Tennessee, is hereby authorized and empowered to grant injunctions, attachments, writs of ne exeat and other extraordinary process.

**SECTION 2.** That any additional compensation of \$1,800.00 per annum, payable monthly, be paid the Judge of the Court of General Sessions of Rutherford County, Tennessee, from the general county revenues.

As amended by: Private Acts of 1953, Chapter 510

**SECTION 3.** That the General Assembly of the State of Tennessee 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 of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: March 12, 1951.

## Private Acts of 1961 Chapter 1

**SECTION 1.** That Chapter 384 of the Private Acts of 1947 be and is hereby amended so that in addition to the jurisdiction, powers and duties vested by law in the General Sessions Court of Rutherford County, Tennessee, that the said General Sessions Court is hereby constituted the Juvenile Court of Rutherford County, Tennessee, and all of the jurisdiction, power and authority vested by law in the Juvenile Courts is hereby vested in the General Sessions court of Rutherford County. All of the Jurisdiction heretofore exercised by the County Judge of Rutherford County, Tennessee, is hereby divested from such Court and vested in the said General Sessions Court.

**SECTION 2.** That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the General Sessions Judge, for his services as Juvenile Judge, shall be paid One Thousand Six Hundred Dollars (\$1,600.00) per annum for his services and the same shall be paid in equal monthly installments from the County General Fund.

**SECTION 3.** That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the Circuit Court Clerk shall act as the Clerk of the Juvenile Court and shall perform all the powers and functions in regard to such Court as are now vested by law in the County Court Clerk.

**SECTION 4.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or enactments, or parts thereof, 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 take effect from and after its passage, the public welfare requiring it, but said Act shall not become effective until the same has been approved by a two-thirds roll call vote of the members of the Quarterly County Court of Rutherford County, Tennessee.

Passed: January 5, 1961.

## Private Acts of 2005 Chapter 59

**SECTION 1.** [This section amended Private Acts of 1947, Chapter 384, reproduced herein.]

**SECTION 2.** [This section amended Private Acts of 1947, Chapter 384, reproduced herein.]

**SECTION 3.**

(a) Rutherford County shall provide all funding necessary for the establishment and operation of Part IV of the Court of General Sessions of Rutherford County created by this act, including a courtroom, office space, and such personnel as is necessary to efficiently operate such court.

(b) This act shall take effect only if the cost of providing any additional assistant district attorneys general, assistant district public defenders, or any other costs associated with the judgeship created by this act is funded by Rutherford County, and such funding continues for the term of the judgeship so created.

As amended by: Private Acts of 2016, Chapter 40.

**SECTION 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County legislative body 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: May 18, 2005.

**COMPILER'S NOTE:** Section 3 of the Private Acts of 2005, Chapter 59, contained similar language as set forth in (a) above with respect to Part III of the Court of General Sessions of Rutherford County.

## Juvenile Court



## Private Acts of 1961 Chapter 1

**SECTION 1.** That Chapter 384 of the Private Acts of 1947 be and is hereby amended so that in addition to the jurisdiction, powers and duties vested by law in the General Sessions Court of Rutherford County, Tennessee, that the said General Sessions Court is hereby constituted the Juvenile Court of Rutherford County, Tennessee, and all of the jurisdiction, power and authority vested by law in the Juvenile Courts is hereby vested in the General Sessions court of Rutherford County. All of the jurisdiction heretofore exercised by the County Judge of Rutherford County, Tennessee, is hereby divested from such Court and vested in the said General Sessions Court.

**SECTION 2.** That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the General Sessions Judge, for his services as Juvenile Judge, shall be paid One Thousand Six Hundred Dollars (\$1,600.00) per annum for his services and the same shall be paid in equal monthly installments from the County General Fund.

**SECTION 3.** That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the Circuit Court Clerk shall act as the Clerk of the Juvenile Court and shall perform all the powers and functions in regard to such Court as are now vested by law in the County Court Clerk.

**SECTION 4.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or enactments, or parts thereof, 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 take effect from and after its passage, the public welfare requiring it, but said Act shall not become effective until the same has been approved by a twothirds roll call vote of the members of the Quarterly County Court of Rutherford County, Tennessee.

Passed: January 5, 1961.

## Private Acts of 2000 Chapter 72

**SECTION 1.** As used in this Act, unless the context otherwise requires:

- (a) "Court" means the Juvenile County of Rutherford County.
- (b) "Judge" means the Judge of the Juvenile Court of Rutherford County.
- (c) "Clerk" means the Circuit Court Clerk or Deputy Clerk of Rutherford County.

**SECTION 2.** There is created, in Rutherford County, a Juvenile Court to be known and styled as the Juvenile Court of Rutherford County. Such court shall be a court of record and shall be presided over by a Judge who shall have the qualifications and salary provided by this Act.

**SECTION 3.** A Judge for such court shall, upon the approval of this Act, be appointed who shall be licensed to practice law in this State and who possesses all other qualifications of judges of inferior courts, as provided by law. The Judge shall be elected in the August general election to serve from September 1, 2000, to August 31, 2006. Thereafter, the term of office shall be eight (8) years, and such Judge shall be licensed to practice law in the state of Tennessee and shall possess all the qualifications of the inferior courts. The elected Judge shall take and subscribe to the same oath of office as that subscribed for the Judges of the Circuit and General Session Courts. In the event the office of the Judge shall become vacant by reason of death, resignation, retirement, or any other reason before the expiration of said term of office, such vacancy shall be filled by a majority of the Rutherford County Commission members until the next county general election. The Rutherford County Eection (sic) Commission shall set the qualifying deadlines for the August 3, 2000, General Elections.

**SECTION 4.** The Rutherford County Circuit Court Clerk shall serve as Clerk of the Rutherford County Juvenile Court and any of such clerk's deputies shall also be deputies for the Juvenile County created by this Act.

**SECTION 5.** The Judge and Clerk of such Juvenile Court shall have all of the jurisdiction, powers, duties, and authority of other Juvenile Court Judges and Clerks as provided in Tennessee Code Annotated, Title 37 or any other general law.

**SECTION 6.** Effective September 1, 2006, the salary of the Juvenile Court Judge shall be commensurate with that established by Tennessee Code Annotated, Section 16-15-5003 for general sessions court judges of the same county class as Rutherford County. Any subsequent salary increases provided by that section or any other provision of law for general sessions court judges of the same county class as Rutherford County shall also apply to the Juvenile Court Judge.

As amended by: Private Acts of 2005, Chapter 30

**SECTION 7.** The Juvenile Court Judge shall not be allowed to participate in the practice of law in all other courts within the court system and shall be prohibited from performing any services in any of such courts. The Judge shall be a full-time position.

**SECTION 8.** The Judge is authorized to make and promulgate rules and regulations for the administration and efficient operation of the court and to fix the times and places at which all persons within the jurisdiction of the court shall have their causes set for disposition.

**SECTION 9.** The Judge shall, pursuant to the laws and regulations of Rutherford County, appoint such personnel as may be necessary to efficiently carry on the business of the court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year by the county legislative bodies.

**SECTION 10.** The county legislative body shall provide the court with facilities adequate and sufficient to allow the court to perform its duties as a Juvenile Court.

**SECTION 11.** All unfinished and pending matters in the court or courts exercising Juvenile Court jurisdiction, prior to the date this Act takes effect, shall be transferred to the court created by this Act at the close of business on the day 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 the Juvenile Court shall be delivered to such court.

**SECTION 12.** 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 application 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 13.** This Act shall have no effect, unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County Legislative Body and certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved, as provided in Section 13.

Passed: February 7, 2000.

## Court System - Historical Notes

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

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

1. Acts of 1803, Chapter 73, listed the number of jurors each County in the Mero Judicial District must furnish to the Superior Courts thereof. The counties were Jackson County which would provide two jurors; Smith, four jurors; Sumner, six jurors; Wilson, three jurors; Rutherford, two jurors; Williamson, four jurors; Davidson, seven jurors; Robertson, four jurors; Montgomery, four jurors; Dickson, two jurors; and Stewart, two jurors.
2. Acts of 1806, Chapter 24, apportioned the number of jurors each County in the Mero District must furnish to the Superior Court. Davidson County must send twelve jurors; Sumner County, eight; Wilson County, six; Williamson County, eight; and Rutherford County, five.
3. Acts of 1812, Chapter 38, authorized Theophilus A. Cannon, James L. Armstrong, William W. Searcy, John Hoover, and Noble Warnick, or any three of them, to appoint a jury, or juries, for the next term of the County and Circuit Courts of Rutherford County, and to direct the Clerks of the Courts to record the names of those selected.
4. Acts of 1817, Chapter 128, authorized the Justices of Rutherford County to levy a tax for the purpose of providing additional compensation to the jurors attending the County and Circuit Courts. The additional compensation could not exceed fifty cents per day.
5. Acts of 1819, Chapter 67, declared it to be lawful after January 1, next, for the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint 37 jurors for each of the Counties named who would serve in the County and Circuit Courts. Jurors were bound to attend court under penalty and would be paid as other jurors were paid.

6. Acts of 1819, Chapter 134, permitted the County Courts of the County of Davidson, Williamson, Giles, Rutherford, and Maury to select 37 jurors for the County Court and the Circuit Court combined, making their compensation the same as other jurors.
7. Acts of 1833, Chapter 244, made it the duty and responsibility of the Rutherford County Court at their first session in each and every year to levy a tax sufficient to pay talisman jurors who might be compelled to serve according to recent acts passed by the General Assembly.
8. Private Acts of 1909, Chapter 334, created a Board of Jury Commissioners in Wilson and Rutherford County composed of three discreet people to be appointed by the Judges having criminal jurisdiction, who were not practicing attorneys, had no suit pending, and were residents of the County. No more than two could come from the same political party. The Commissioners must be sworn according to the oath in the Act, must select one of their number as Chairman, and would serve a one year term. The Circuit Court Clerk, after also being sworn, would serve as a Clerk to the Board. The Board would select from the tax rolls a number of names equal to 1/5 of the votes cast in the last Presidential election but in no case less than 250 nor more than 1,000, which names would constitute the Jury List for the next two years. The names must be listed alphabetically in a book provided by the County and the list certified by all three members of the Board and reported to the Circuit Court. The names must also be placed on cards, or scrolls, put into a box, locked and sealed. From 10 to 15 days before the term of Court opens, the box would be unlocked and a child under ten years of age would draw the number of names from the Box as was ordered by the Judge, or which would be sufficient to provide jurors. These names were to be kept, recorded, and reported to the Court. At least five days before Court opened the list was sent to the Sheriff who would summon them as jurors. The Grand and petit jurors would be selected from this number, none being excused except by the Judge. Provisions were included for special panels and to replenish an exhausted panel. The Commissioners would be paid \$2.00 per day for each day spent in discharge of this duty. This Act was repealed by Private Acts of 1951, Chapter 212. See *Wade v. State*, 191 Tenn. 573, 235 S.W.2d 583, (1951).
9. Private Acts of 1945, Chapter 339, fixed the compensation of every regular juror serving a Rutherford County at \$3 per day for each day's attendance as a juror.
10. Private Acts of 1951, Chapter 212, amended Private Acts of 1909, Chapter 334, by striking out the population figures referring to Rutherford County which would remove the County from the provisions of the Act establishing a Board of Jury Commissioners.
11. Private Acts of 1951, Chapter 213, created a three member Board of Jury Commissioners for Rutherford County, writing in the same qualifications as the 1909 Act except that a School Board Member or a Justice of the Peace could not serve on the Board. Terms and conditions expressed follow those of the 1909 Act except the limitations placed on the number of names to be drawn were no more than 1,500 nor less than 1,000. Procedures to be followed in this Act in the selection of names were substantially the same as those described in the 1909 Act except that more records and reports were required to be kept. Some additional methods to replenish panels and to summon special jurors were incorporated. The Jury Commissioners would be paid \$4 for each day's service in that regard.
12. Private Acts of 1953, Chapter 236, amended Private Acts of 1951, Chapter 213, Section 4, by directing that jurors be selected from the civil districts in proportion to district population. Any source of information could be used in drawing up the jury list. Section 5 was amended to give the Judge more discretion in impaneling the juries by giving him the power to direct the Sheriff to go out into the County and summon a sufficient number to discharge the need, or the Judge may cause the Jury Box to be brought in and additional names withdrawn. Section 15 was amended to give the Commissioners \$10 per day up to two days and seven cents per mile for traveling, when sworn statements were filed to verify the same, as compensation for their services.
13. Private Acts of 1957, Chapter 206, stated that any person serving as a juror in Rutherford County would be paid \$6 per day for each day spent in service as such, except the Foreman of the Grand Jury, who would be paid \$10 for each day. This Act would apply to any and all jurors in the County, including the Juries of View, and Juries of Inquisition. This Act was properly ratified by the Quarterly Court.

### **Chancery Court**

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

1. Acts of 1822, Chapter 13, provided that a Chancery Court would be held at least once each year

by the Justices of the Supreme Court at the same places at which the Supreme Court met. The Chancery courts would meet 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 would continue for two weeks unless the Dockets of the Courts were cleared up earlier, except at Nashville where the term would last six weeks.

2. Acts of 1824, Chapter 14, directed the Justices of the Supreme Court to arrange among themselves to hold the Chancery Courts at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court at Franklin would hear and dispose of cases arising in the counties of Williamson, Davidson, and Rutherford on the first Monday in May and November of each year. Clerks would make appropriate transfer of documents to accomplish the above.
3. Acts of 1826, Chapter 77, was the legislative authority for John Haywood to hold the Chancery Court for the Counties of Williamson, Davidson, and Rutherford. The Court would open in Franklin on the first Monday in December, 1826, and continue in session until the business of the Court was finished.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The Eastern Division was composed of the Courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville, while the Western had in it the Courts meeting in Franklin, Columbia, Charlotte, Jackson and Paris. Two Chancellors were to be appointed and Justices of the Supreme Court were divested of original chancery jurisdiction.
5. Acts of 1835-36, Chapter 4, enacted subsequent to the adoption of the 1835 Constitution, provided for three Chancery Divisions in Tennessee. Each Division would have a Chancellor appointed by the Governor for an 8 year term, being paid in the same manner as other Judges. Court would convene twice each year, each Division being further broken down into Districts. Rutherford County constituted the 5th District of the Middle Division whose Court would meet at Murfreesboro on the first Monday in February and August.
6. Acts of 1839-40, Chapter 21, fixed the terms for the Chancery Courts at Livingston, Carthage, Lebanon, Shelbyville, Winchester, McMinnville, Pikeville, and Murfreesborough where the Court would convene on the first Monday in January and July. Rutherford County would be part of the 4th Division of the Chancery Court.
7. Acts of 1839-40, Chapter 33, added a new Fourth Division to the Chancery Court system in Tennessee which was composed of the Courts meeting at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville. This Act amended Acts of 1835-36, Chapter 4.
8. Acts of 1847-48, Chapter 171, stated that the Chancery Court at Murfreesboro in Rutherford County would hereafter meet on the fourth Monday in April and the third Monday in October.
9. Acts of 1857-58, Chapter 88, organized the Chancery Courts in Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. The Fourth Chancery Division was made up of the Counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford whose Chancery Court would begin its terms on the fourth Monday in April and October at Murfreesboro.
10. Acts of 1870, Chapter 32, reorganized the equity courts of Tennessee into twelve Chancery Districts assigning the counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy to the Fourth Chancery District.
11. Acts of 1870, Chapter 47, fixed the schedule of Court terms for every Chancery Court in the State. Rutherford County's Chancery Court would meet on the first Monday in January and June. This Act was repealed by Acts of 1875, Chapter 28.
12. Acts of 1870-71, Chapter 22, reset the schedule of Chancery Court terms to start in Rutherford County at Murfreesboro on the fourth Monday in April and October.
13. Acts of 1875, Chapter 28, Section 3, changed the opening dates for the Chancery Court terms in Rutherford County to the third Monday in April and October, requiring that all outstanding process be made to conform to those dates.
14. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revision of the lower Court system of Tennessee which formed eleven Chancery Divisions. The Fourth Chancery Division contained the Counties of Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall. Rutherford County's Chancery court was slated to begin its terms on the third Monday in April and October each year, as it had been doing. This statute was considered along with many others by

the State Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958).

15. Acts of 1895, Chapter 108, rescheduled the Chancery Court of Rutherford County to convene at Murfreesboro on the third Monday in January and July.
16. Acts of 1899, Chapter 427, reorganized the entire lower Judicial system of the State. Chancery Courts were combined into ten Chancery Divisions. The Fifth Chancery Division was composed of the Counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, and Wayne. The Chancery Court in Rutherford would take up its docket on the third Monday in January and July.
17. Acts of 1901, Chapter 319, created the Common Law, Chancery and County Court of the county of Rutherford. This Court would have chancery jurisdiction, criminal jurisdiction, civil jurisdiction, and jurisdiction over the County Court. The chancery division of this court would hold four terms, commencing on the second Monday of January, April, July and October. This Act repealed all laws attaching Rutherford County to the Fourth Chancery Division.
18. Acts of 1901, Chapter 427, changed the starting date of the Chancery Court terms in Rutherford County to the second Monday in April and October.
19. Private Acts of 1972, Chapter 383, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. This Act failed to receive local approval and never became operative.
20. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was superseded by the general law codified in T.C.A. 16-2-506.

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

The reference list below contains acts which once applied to the clerk and master in Rutherford County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 274, provided that females, married or single, over the age of 21 and a resident of the County appointing them, would be eligible to serve as a Deputy in the office of the Clerk and Master of Rutherford County with all the rights and obligations of other Deputies. The acceptance of employment was a waiver of any defense of coverture and would work as an estoppel to deny any legal liability. This Act applied to Weakley, Rutherford, Montgomery, Greene, Giles, and Fayette Counties. This Act was repealed by Private Acts of 1979, Chapter 138.
2. Private Acts of 1933, Chapter 876, fixed the salaries of several county officials in Rutherford County. The salary of the Clerk and Master of the Chancery Court was set at \$2,500 annually but that amount would be paid only when the fees collected in the office equalled that sum. All fees collected over that amount would be paid into Treasury of the county for which the Clerk and Master would be accountable. All expenses of the office would continue to be paid as the law provided.
3. Private Acts of 1939, Chapter 529, was the authority for the Clerk and Master of Rutherford County to appoint a Deputy for a period of one year at a time who, when sworn and bonded, would be empowered to perform any act in the same manner as the Clerk and Master. The salary of the Deputy Clerk and Master was set at \$900 a year.
4. Private Acts of 1943, Chapter 413, was the legislative authority for the Quarterly Court of Rutherford County to appropriate an annual sum, not to exceed \$1,200, with which to pay for the services of an Assistant, or Deputy, Clerk and Master, in the office of the Clerk and Master.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Rutherford 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 1803, Chapter 70, which created Rutherford County, further provided that the courts would meet at the house of Thomas Rucker until the Quarterly Court adjourned them to another location more suitable and convenient pending the completion of the court house.
2. Acts of 1806, Chapter 19, divided the Mero District into three separate Districts which were the Robertson District including the counties of Robertson, Dickson, Montgomery, and Stewart; the Winchester District which contained the counties of Jackson, Smith, and Wilson; and the remaining counties of Davidson, Sumner, Williamson, and Rutherford constituted the Mero

District.

3. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. The Fourth Judicial Circuit comprised the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. The Circuit court terms would commence in Rutherford County on the second Monday in April and October.
4. Acts of 1812, Chapter 68, reset the Circuit Court terms in the counties of Wilson, Bedford, Lincoln, Giles, Maury, Williamson, Davidson, and Rutherford whose court would meet on the second Monday in March and September.
5. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Circuits. In Rutherford County the Circuit Court terms would begin on the third Monday in February and August.
6. Acts of 1821, Chapter 52, stated that Joshua Haskell, the Judge elect for the 8th Judicial Circuit could take and subscribe the oath of office prescribed for the Circuit Judges of the State before any Justice of the Peace in Rutherford County.
7. Acts of 1825, Chapter 333, provided among other things that the Circuit Court for the County of Rutherford would be held at the Court House in Murfreesboro on the fourth Monday in February and August and would continue in session until the second Monday in March and September, if necessary to do so.
8. Acts of 1826, Chapter 197, stated that the Circuit Court in Rutherford County would begin its sessions on the third Monday in February and the fourth Monday in August next and could continue in session until the business of the Court has been completed. All outstanding process would be made to conform to the terms of this Act.
9. Acts of 1827, Chapter 89, declared that from and after April 1, next, the Circuit Court of Rutherford County would be held on the first Monday in April and October in each year and would continue in session for three weeks unless the business of the Court was finished before that time.
10. Acts of 1829, Chapter 52, formed a new Eleventh Judicial Circuit composed of the Counties of Warren, Franklin, Bedford, Rutherford, and Wilson.
11. Acts of 1835-36, Chapter 5, enacted subsequent to the adoption of the 1835 State Constitution, fashioned the Circuit Courts of the State into eleven new Judicial Circuits whose terms of Court in the future would be three each year instead of two. The Fifth Judicial Circuit contained the Counties of Wilson, Rutherford, Bedford, Coffee, and Franklin. The Circuit Court in Rutherford County would start its terms on the second Monday of April, next, and afterwards on the third Monday in February, June, and October.
12. Acts of 1837-38, Chapter 116, reset the terms of the Circuit courts in the Fifth Judicial Circuit which listed the counties of Cannon, Wilson, and Rutherford where the Court would start on the first Monday in March, July, and November.
13. Acts of 1839-40, Chapter 21, scheduled new terms of the Circuit Courts in the Fifth Judicial Circuit, which mentioned the Counties of Bedford, Wilson, Cannon, and Rutherford where the Circuit Court would commence its terms on the second Monday in March, July, and November.
14. Acts of 1847-48, Chapter 171, established a Criminal Court in the cities of Clarksville, Murfreesboro, and Lebanon for the Counties of Montgomery, Rutherford, and Wilson, which courts would be held by the Judge of the Criminal Court for Davidson County. All criminal causes then pending in the Circuit Courts of these counties would be transferred by the Clerk of the Criminal Court. Court terms would be fixed by order of the Judge.
15. Acts of 1857-58, Chapter 98, created sixteen Judicial Circuits in a complete revision of the lower court system in the State. The counties of Wilson, Cannon, Bedford, and Rutherford constituted the Seventh Judicial Circuit. Court terms in Rutherford County would begin on the second Monday in March, July, and November. The Criminal Districts of Davidson, Rutherford, and Montgomery would hold three terms each year as fixed by the Judge.
16. Acts of 1870, Chapter 31, divided Tennessee into fifteen Judicial Circuits, enacted after the 1870 Constitution and the 1870 Census. The Counties of Rutherford, Cannon, Wilson, and Bedford, and the Criminal Court of Wilson County were all assigned to the Seventh Judicial Circuit. The Special Criminal Court for Davidson and Rutherford Counties would remain as established.
17. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Courts in every county of the State. Rutherford County would convene its Circuit Court on the third Monday in March, July, and November. The Criminal Court for Rutherford would be held on the first Mondays of March, August and November.

18. Acts of 1870-71, Chapter 22, rescheduled the terms of the Rutherford County Circuit Court to start on the second Monday in March, July, and November of each year at Murfreesboro. This Act repealed the conflicting portions of Acts of 1870, Chapter 46.
19. Acts of 1870-71, Chapter 109, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County and authorized the Circuit Court to empanel Grand Juries at its regular terms to find bills of indictment and presentment and then transfer them to the Criminal Court.
20. Acts of 1885 (Ex. Sess.), Chapter 20, divided the State into fourteen regular, and three special, Judicial Circuits. The Counties of Wilson, Rutherford, Cannon, Bedford, and Marshall were designated as the Eighth Judicial Circuit. The Circuit Court would convene in Rutherford County on the fourth Monday in February, June, and October. A Special Criminal Circuit was formed to comprise Davidson and Rutherford Counties.
21. Acts of 1887, Chapter 213, reset the terms of the Circuit Court in Rutherford County to begin on the Tuesday after the fourth Monday in February, June, and October.
22. Acts of 1891, Chapter 155, amended that portion of the Acts of 1885 (Ex. Sess.), Chapter 20, referring to the special criminal court circuit for Davidson County and Rutherford County by removing Rutherford County from the Circuit and returning criminal jurisdiction to the Circuit Court of Rutherford County.
23. Acts of 1895, Chapter 108, changed the opening dates for the terms of the Circuit Courts in Cannon and Rutherford Counties. The terms of the Rutherford County Circuit Court would begin on the third Monday in February, June, and October.
24. Acts of 1899, Chapter 427, reorganized the Circuit Courts of the State into fourteen Judicial Circuits. The 8th Judicial Circuit included the Counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Circuit Court terms in Rutherford County would commence on the third Monday in February, June, and October.
25. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was superseded by the general law codified in T.C.A. 16-2-506.

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

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

1. Acts of 1903, Chapter 255, was a salary Act, which involved Circuit Court Clerks only, setting the annual salary of the Clerks in Counties according to the population of the County in which they served. The Circuit Court Clerk of Rutherford County would have been paid \$1,000 annually under the terms of this law. The Clerk was required to file a sworn, itemized statement with the County Judge, or Chairman, each year showing the amount of fees collected in the office. If the fees were less than the salary, the County must pay the difference but the Clerk could retain any excess.
2. Private Acts of 1919, Chapter 274, permitted females, married or single, over the age of 21 and a resident of the counties appointing them, to serve as a Deputy in the office of the Circuit Court Clerk with all the rights and obligations as other Deputy Clerks. Acceptance of employment hereunder would be a waiver of any defense of coverture and work as an estoppel to deny and legal liability. This Act was repealed by Private Acts of 1979, Chapter 138.
3. Private Acts of 1933, Chapter 876, established the annual salaries of most of the officials of Rutherford County, fixing that of the Circuit Court Clerk at \$2,000. This salary, however, would only be paid when the fees collected in the office reached that amount. All fees over and above would be paid into the County treasury for which the Circuit Court Clerk was accountable. The expenses of the office would continue to be cared for as provided under existing law.
4. Private Acts of 1943, Chapter 412, was the enabling law which allowed the Quarterly Court of Rutherford County to appropriate a sum not to exceed \$1,200 annually which would be used as compensation for an assistant, or Deputy, Circuit Court Clerk.

#### **Court Officers**

The following list is a description of the original act granting a per diem pay to court officers and the subsequent amendments to the act.

1. Acts of 1867-68, Chapter 67, amended Acts of 1866-67, Chapter 3, which set the per diem of Justices of the Peace attending Quarterly Courts, and of jurors waiting on and serving Courts, at \$2 per day, by making the same terms and conditions applicable to officers serving Courts, who would be paid a like per diem.
2. Private Acts of 1925, Chapter 556, amended Acts of 1867-68, Chapter 67, to provide that in Rutherford County the officers serving the Circuit Court and the Criminal Court would receive \$3 per day as compensation therefor.
3. Private Acts of 1967-68, Chapter 187, amended Private Acts of 1925, Chapter 556, by fixing the compensation of the officers serving the Circuit and Criminal Courts to be the same as that paid to the Foremen of Grand Juries by general law, the amount to come out of the county treasury.
4. Private Acts of 1969, Chapter 63, amended Acts of 1867-68, Chapter 67, by adding a provision for the presiding Judge to appoint Court officers.
5. Private Acts of 1977, Chapter 76, pertains to officers of the General Sessions, Juvenile, and Probate Courts. Since the Act amended the Act creating the General Sessions Court of Rutherford County (Private Acts of 1947, Chapter 389), please see the topic General Sessions Court for its contents.
6. Private Acts of 1979, Chapter 137, amended Acts of 1867-68, Chapter 67, by setting the per diem to be paid Court officers in Rutherford County at \$25.

### **Criminal Court**

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

1. Acts of 1847-48, Chapter 171, set up and organized a Criminal Court at Clarksville, Murfreesboro, and Lebanon for the counties of Montgomery, Rutherford, and Wilson, which Courts would be held by the Criminal Court Judge of Davidson County, under the same rules and regulations as any other Criminal Court. All criminal cases pending in the Circuit Courts of these counties must be transferred to the Court established herein. Court terms would be determined by order of the Court.
2. Acts of 1853-54, Chapter 52, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge jointly who would hold the Circuit Court of Sumner County and the Criminal Courts of Davidson, Rutherford, and Montgomery.
3. Acts of 1857-58, Chapter 98, provided that the Criminal Districts of Davidson, Rutherford, and Montgomery shall hold three terms of said court, in each year, at Nashville, Clarksville, and Murfreesboro. The terms to be fixed by standing order of the court.
4. Acts of 1870, Chapter 31, reorganized the circuit court system in Tennessee but left unchanged the Special Criminal Court for Davidson and Rutherford Counties.
5. Acts of 1870, Chapter 46, provided that the Criminal Court for Rutherford County would be held on the first Mondays of March, August, and November.
6. Acts of 1870-71, Chapter 55, amended Acts of 1870, Chapter 46, by changing the March term of Court to April for the Criminal Court of Rutherford County.
7. Acts of 1870-71, Chapter 109, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County, but did authorize the Circuit Court to empanel Grand Juries at its regular terms of Court to find bills of indictment and presentment which would be transferred to the Criminal Court for trial.
8. Acts of 1871, Chapter 26, amended Acts of 1870, Chapter 46, relating to the Criminal Court of Rutherford County by changing the starting dates for the terms of the Criminal Court to the first Monday in April, August, and December.
9. Acts of 1885 (Ex. Sess.), Chapter 20, in its complete revision of the lower court system of the State established the special criminal court Division including the counties of Davidson and Rutherford. Court terms would commence in Rutherford on the first Monday in April, August, and December.
10. Acts of 1891, Chapter 155, amended Acts of 1885 (Ex. Sess.), Chapter 20, which established a special criminal court Division for Davidson and Rutherford Counties by removing Rutherford County from that special Division and providing that thereafter crimes would be tried in Rutherford County in the Circuit Court to which all criminal jurisdiction was hereby restored. This Act was to become effective on June 1, 1891, to which all bonds and process must be made to conform.

### **District Attorney General**



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

1. Acts of 1817, Chapter 65, divided Tennessee into ten Solicitorial Districts. The Sixth Solicitorial District was composed of the counties of Smith, Wilson, and Rutherford. The General Assembly would appoint an Attorney General for each District.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District in the State of Tennessee coincide with each Circuit having criminal jurisdiction. The General Assembly would elect an Attorney General for each District. In addition to prosecuting or defending on behalf of the State, he would provide legal opinions to county officers without charge.
3. Private Acts of 1901, Chapter 319, created the position of District Attorney for Rutherford County who would be elected by the qualified voters to an eight year term. The salary was set at \$600 per year which would come from the fines and forfeitures in criminal prosecutions. The District Attorney would also serve as County Attorney for which services the County Court would provide additional compensation in an amount not less than \$100 per year.
4. Public Acts of 1953, Chapter 19, created the office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
5. Public Acts of 1974, Chapter 552, created the office of Criminal Investigator for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
6. Public Acts of 1976, Chapter 508, created an additional office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.

### **General Sessions Court**

The following acts once affected the general sessions court of Rutherford County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1947, Chapter 737, amended Private Acts of 1947, Chapter 384, Section 15, by increasing the amount to be paid to the Clerk of the General Sessions Court from \$1,000 to \$1,300 per annum. This entire Section was later ruled unconstitutional in *O'Brien v. Rutherford County*, 199 Tenn. 642, 288 S.W.2d 708 (1956).
2. Private Acts of 1957, Chapter 217, amended Section 11, Private Acts of 1947, Chapter 384, by increasing the annual salary of the Judge of the court from \$3,600 to \$6,500, and by adding a new paragraph at the end which stated that this increased amount would be and include the entire compensation to be paid to the Judge for all of his services. This Act was rejected by the Rutherford County Quarterly Court and consequently did not become an effective law.
3. Private Acts of 1963, Chapter 114, amended Section 2, Private Acts of 1947, Chapter 384, by adding a sentence to give concurrent jurisdiction to the General Sessions Court with the Circuit Court in divorces, habeas corpus proceedings, and workmen's compensation cases. Section 12 was amended with an added provision that the present Judge is the presiding Judge, and the Judge of Part I of the Court, who would assign cases, etc. The Act created a Part II of the General Sessions Court which would have a judge of equal jurisdiction and power, to be appointed by the Governor to serve until September 1, 1964. This Act was rejected by the Quarterly Court thus failing to become operative.
4. Private Acts of 1973, Chapter 1, would have created a Court of General Sessions, Juvenile Court and Probate Court of Rutherford County. Division I of three divisions would constitute the Court of General Sessions. This Act failed to receive local approval and never became effective.
5. Private Acts of 1973, Chapter 2, was in many respects identical to Private Acts of 1973, Chapter 1. This Act failed to receive local approval and consequently never became effective.

### **Juvenile Court**

The following act once affecting juvenile courts in Rutherford County is included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 591, amended Public Acts of 1911, Chapter 58, Section 18, by designating the City Recorder of the County Seat in Rutherford County, or the Judges of the Municipal Court of that City as the Judge of the Juvenile Court also. This Act was repealed by Private Acts of 1929, Chapter 102.

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