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## Chapter V - Court System

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

Sincerely,

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## Chapter V - Court System

### Criminal Court

#### Private Acts of 1907 Chapter 85

**COMPILER'S NOTE:** See also T.C.A. 16-2-506 for the general law, which provides that Putnam County is part of the 13th Judicial District.

**SECTION 1.** That a Criminal Court is hereby created and established for the counties of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith, to be known as the "Criminal Court of the Fifth Judicial Circuit of Tennessee."

**SECTION 2.** That said Criminal Court shall have general, common law, and statutory jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now, or hereafter may be, conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes.

**SECTION 3.** That the times of holding the Criminal Courts in said counties shall be as follows: White County, first Tuesday after the first Monday in January, May, and September; Putnam County, first Tuesday after the third Monday in January, May, and September; Cumberland County, first Monday in February, June, and October; Pickett County, second Monday in February, June, and October; Overton County, third Monday in February, June, and October; Clay County, fourth Monday in February, June, and October; Jackson County, first Monday in March, July, and November; Macon County, third Monday in March, July, and November; Trousdale County, fourth Monday in March, July, and November; Smith County, second Tuesday after fourth Monday in March, July and November.

**SECTION 4.** That the Circuit Court Clerks of the several counties herein named shall be the Clerks of said Criminal Court, and they shall perform the same duties and receive the same compensation as now provided by law.

**SECTION 5.** That the Attorney-general of the Fifth Judicial Circuit shall perform the duties of Attorney-general in the Criminal Court in the counties herein named, except the county of Fentress, and in the county of Fentress the Attorney-general of the Second Judicial Circuit shall perform the duties of Attorney-general.

**SECTION 6.** That immediately upon the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court created by this Act, who shall possess the same qualifications and be clothed with the same powers and jurisdiction as are now provided by law for Judges of this State, and whose salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

**SECTION 7.** That the Judge of the Criminal Court created by this Act shall hold the Circuit Courts in the counties of Pickett, Macon, and Trousdale, and it shall be lawful for said Judge of said Criminal Court and the Judge of the Fifth Judicial Circuit to hold each of their courts, both criminal and civil, in any of the different counties of said circuit at the same time; and the Judge of the Fifth Judicial Circuit shall hold the Criminal Court in the counties of Cumberland and Clay, and the Judge of the Fifth Judicial Circuit shall hold the Circuit and Criminal Court for Fentress County.

**SECTION 8.** That all bonds and recognizances heretofore or hereafter taken and all process hereafter issued shall be made returnable to the times and places fixed by law for holding the courts for the several counties herein named.

**SECTION 9.** That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed in so far as they conflict with this Act, but no further or otherwise.

**SECTION 10.** That this Act take effect from and after March 1, 1907, the public welfare requiring it.

Passed: February 7, 1907.

### Depositions

#### Private Acts of 1921 Chapter 598

**SECTION 1.** That persons authorized to take depositions in Counties of not less than 22,225 and more

than 22,240, according to the Federal Census of 1920, may take them in short hand, and subsequently, reduce the same to typewriting, or may take them directly on the typewriting machine, provided, that in case the deposition be taken in short hand, the person taking it can truthfully and does certify substantially as follows:

"I certify that being a stenographer, I took foregoing deposition in the exact language of the witness, and reduced it to typewriting (or manuscript) That it was then read over by the witness in my presence (or was read over by me to the witness) and was approved and signed by him (or by me for him or her at his or her request and I certify that I am not interested in the cause, nor of kin or counsel to either of the parties, and that I sealed up said deposition and delivered it to ----- (or delivered it to the express office, or put it in the post office) without being out of my possession, or altered after it was taken."

**SECTION 2.** That any deposition taken under this Act by a person authorized to take depositions, at the request of the witness may sign witnesses's name to the deposition, after the same has been reduced to writing, on the typewriter, or manuscript.

**SECTION 3.** That the person taking the deposition in short hand, and subsequently reducing the same to typewriting or manuscript, shall in addition to the regular fee allowed by the General Statute for taking depositions, be permitted to charge for transcribing the same, the price of ten cents per page, which may be included in the bill of cost, for taking said depositions.

**SECTION 4.** That all laws, or parts of law in conflict with this Act be and the same, are hereby repealed.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1921.

## General Sessions Court

### Private Acts of 1949 Chapter 125

**SECTION 1.** That there is hereby created and established a court in and for Putnam County, Tennessee, which shall be designated the Court of General Sessions of Putnam County, Tennessee. The court shall be held in Cookeville and also at Monterey, the dates of which shall be fixed by such Judge and Putnam County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for the same out of the general funds of the county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 2.** That the jurisdiction, powers and authority of said court shall be coextensive with Putnam County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Putnam County are hereby divested of all of such jurisdiction, powers and authority with the exception of the power and authority to issue search warrants, criminal warrants and mittimi, and fix bonds, the trial of the defendant on such, however, to be made by the Judge of the Court of General Sessions, hereinafter provided for. The Justices of the Peace issuing such search warrants, criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of rites of matrimony is in nowise affected by this Act.

As amended by: Private Acts of 1972, Chapter 265

**SECTION 3.** That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars or in lieu thereof, make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the court may increase the security.

**SECTION 4.** That the laws now governing pleading and practices; stay of and appeals from judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

**SECTION 5.** That the Judge of said court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 6.** That in all matters the costs and fees of the 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, and all other officers, for the execution of writs and processes of said court and fees for 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 the court, shall accrue to the Clerk of the court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff

and all other officers, for services to said court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 7.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the Sheriff, and all other officers for their respective services, fees and witnesses for attendance, credits for payments upon judgments and upon costs, and the manner in which the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the records of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who received the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets. The criminal warrants and mittimi issued by the Justices of the Peace shall be returned immediately to the Clerk of the Court of General Sessions and docket as herein required as to those issued by the Judge and Clerk of said court.

**SECTION 8.** Beginning September 1, 1994, the court shall be divided into Part I and Part II, and there shall be two (2) Judges for the court. Each Judge shall have all the qualifications as prescribed by law for circuit court judges, shall take the oath prescribed for circuit court judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Putnam County, whether by general law or private act, specifically including but not limited to probate jurisdiction conferred under Chapter 229 of the Private Acts of 1965, as amended. The present Judge of the court shall become the Judge of Part I of the court. At the 1994 regular August election, a Judge of Part II of the court shall be popularly elected to an initial four (4) year term, and to eight (8) year terms thereafter, and shall take office on September 1 after the election. Beginning September 1, 1994, the Judge of Part I shall be the Senior Judge, who shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court. At the end of one (1) year, the Judge of Part II shall be designated Senior Judge, with all of the above authority and responsibility. The Judges shall rotate the position of Senior Judge each year thereafter on September 1.

As amended by: Private Acts of 1949, Chapter 451  
Private Acts of 1994, Chapter 134

**SECTION 9.** The Judges of the court shall receive compensation as provided by general law, payable in equal monthly installments, which shall be paid out of the general funds of the county, and which shall not be increased or diminished during the term for which said Judge is elected, and said Judge shall give all his working time to duties of his office and shall not practice in or before any of the other courts of the State; provided, however, such Judge may appear in such other courts for the purpose of concluding to a final termination any case which he may have pending at the time he takes office as such Judge.

As amended by: Private Acts of 1957, Chapter 291  
Private Acts of 1994, Chapter 134

**COMPILER'S NOTE:** See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

**SECTION 10.** That the court herein established 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 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 judgment and, as 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.

In addition to the duties, powers and authority enumerated above, the Judge of the General Sessions Court of Putnam County shall have authority, jurisdiction, and power to grant all extraordinary writs of injunction and attachments the same as the Circuit Judges and the Chancellors of the State now have and that he shall also exercise this power and authority in the same manner as the Chancellors and Circuit Judges. Said Judge shall also have the authority and power to suspend any penalty imposed by him upon a defendant in a misdemeanor case, provided application is made for a suspension in such cases within the time allowed for an appeal from the General Sessions Court to the Circuit Court in said County.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Criminal Court of Putnam 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 Criminal Court of Putnam County, shall be tried by the Judge of the Criminal Court without a jury and without indictment and presentment, upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case. The Judge of the General Sessions Court of Putnam County shall have the same power and authority to punish for contempt of court as the Circuit or Criminal Court.

As amended by: Private Acts of 1957, Chapter 291

Private Acts of 1972, Chapter 265

**SECTION 11.** That for the purpose of filling the vacancy occasioned by the creation of such judgeship, John E. Bryan is hereby designated and appointed as such Judge, who shall serve until September 1, 1950, and until his successor shall be elected and qualified. At the August election, 1950, there shall be elected by the qualified voters of Putnam County a Judge thereof, who shall hold office for a period of eight years from September 1, 1950, or until his successor shall be elected. Thereafter, his successor shall be elected every eight years at such election for a term provided by a law for Judges of Inferior Courts.

**SECTION 12.** That if the Judge of said court fails to attend, cannot preside in a pending cause, or for any reason hold court, 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 shall take the same oath and have the same authority as a regular Judge to hold the court for the occasion.

**SECTION 13.** That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy, until the September 1st following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by qualified voters of Putnam County.

**SECTION 14.** That the Clerk of the Circuit Court of Putnam County shall act as the Clerk of said Court of General Sessions, and when acting as such Clerk shall be designated "Clerk of the Court of General Sessions of Putnam County". Said Clerk is hereby authorized to perform the duties of the Clerk of said court, and the fees, commissions and emoluments of said Court of General Sessions shall constitute the fees, commissions and emoluments of the office of the Clerk of the Court of General Sessions of Putnam County, Tennessee, up to the sum of Twenty-four Hundred (\$2,400.00) Dollars per year, and all such fees, commissions and emoluments received by him in excess of Twenty-four Hundred (\$2,400.00) Dollars shall accrue to the County of Putnam. He shall have authority to appoint a deputy or deputies who shall have the same authority in issuing papers as the Clerk himself has under this Act. The Clerk of said Court and his deputies shall have concurrent authority with the Judges thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued by a judicial officer.

**SECTION 15.** That at the request of the Judge of such Court of General Sessions the Sheriff of Putnam County shall assign a regular deputy sheriff to attend the sessions of the Court and to perform the same functions as do officers generally in attendance upon Courts of Record. 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 now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace for said county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 16.** That this Act shall in no way impair the right, title or interest of any Justice of the Peace of Putnam County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said county, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

**SECTION 18.** That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Putnam County as if such cases had originated in said Court of General Sessions, and shall power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act be severable, and that

if any portion of this Act shall be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 20.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 8, 1949.

## Small Claims Court of Putnam County

### Private Acts of 1996 Chapter 209

**SECTION 1.** The purpose of this act is to establish within Putnam County, Tennessee, an accessible, convenient and informal forum for small civil cases in which the small claims of all complainants can be resolved and redressed inexpensively, expeditiously, fairly and effectively.

**SECTION 2.** (a) A small claims court of the general sessions court is established in Putnam County, Tennessee.

(b) The judges and clerks of the general sessions court shall serve as the judges and clerks of the small claims court divisions.

**SECTION 3.** (a) The small claims court is not a court of record and shall have jurisdiction, concurrent with that of the general sessions court, in all non-criminal actions, other than actions for libel and slander, if the amount in controversy does not exceed seven hundred fifty dollars (\$750) inclusive of interest.

(b) The small claims court has authority to grant any appropriate relief, including money damages and equitable relief, except that injunctions and restraining orders may only be issued by agreement of all parties.

**SECTION 4.** (a) The plaintiff may commence an action in the small claims court by filing with the clerk of the general sessions court a combination summons-complaint, hereinafter called the "civil warrant", which includes the name of the court, the names and addresses of the plaintiff(s) and defendant(s), the name of the county in which the action is commenced, and the statement of the claim in concise form, without technicality, including pertinent dates. In addition, the civil warrant shall include the following clearly and conspicuously stated information:

(1) The defendant may, if desired, have the case transferred from the small claims court to the regular docket of the general sessions court;

(2) If the defendant wishes to have the case heard in the small claims court, the defendant must first waive, or give up the right to be represented by an attorney, the right to appeal the decision of the court and the right to a jury trial;

(3) If the defendant fails to appear, the court may order the defendant to pay the amount claimed by the plaintiff; and

(4) The judge may schedule a different time for trial if the assigned date is inconvenient.

(b) The defendant shall be notified of the claim and of the defendant's right to appear by being served with the civil warrant. The mode of service shall be by registered or certified mail with return receipt requested; if the receipt is not returned, the defendant shall be personally served with process as in other civil cases. No action in the small claims court may proceed further unless a return is made showing completed service by registered or certified mail, return receipt requested, or by personal service of process.

**SECTION 5.** A written answer or plea is not required of the defendant in an action in the small claims court; provided, however, the defendant may file a written answer or plea if so desired.

**SECTION 6.** The defendant may plead as a counterclaim or crossclaim any claim that at the time of serving the warrant the defendant may have against the plaintiff if: (1) the counterclaim or crossclaim is within the seven hundred fifty dollars (\$750) jurisdictional limit of the small claims court; and (2) the counterclaim or crossclaim arises out of the same transaction or occurrence that is the subject matter of the plaintiff's claim; (3) the counterclaim or crossclaim does not require for its adjudication the presence of third parties over whom the court cannot acquire jurisdiction. Actions in which the defendant's counterclaim exceeds the jurisdictional limit of the small claims court shall be removed to the regular docket of the general sessions court.

**SECTION 7.** (a) The plaintiff, upon filing a claim, shall pay the then current general sessions civil warrant filing fee. If additional costs are accrued, the plaintiff is responsible for payment of such cost pending final adjudication by the court.

(b) The pauper's oath is available to the plaintiff as in other civil actions. No filing fee shall be required of the plaintiff who meets the requirements for initiating the action on the pauper's oath.

**SECTION 8.** (a) The general sessions court clerk shall initially schedule a trial in the small claims court when the action is first filed.

(b) A party's first request for a continuance may be granted if the judge determines that such request is warranted and is in the interest of justice. A party's second request for a continuance, and all requests thereafter, may be granted only upon a showing of extraordinary circumstances justifying the continuance, unless all the parties and the judge agree thereto.

**SECTION 9.** (a) A party may not file in the small claims court of the general sessions court more than three (3) claims in any one (1) calendar year.

(b) Any party who files a claim in the small claims court shall sign an affidavit with the clerk at the time of the filing of the warrant stating that the party has not brought more than three (3) claims in one (1) calendar year.

(c) If any party files more than three (3) claims, then each subsequent cause shall be transferred to the regular general sessions court civil docket.

**SECTION 10.** (a) The small claims court shall conduct hearings upon small claims in such manner as to do substantial justice between the parties according to the rules of substantive law, and shall not be bound by the statutory provisions or rules governing practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications.

(b) No depositions may be taken, and no interrogatories or other discovery proceedings may be used under the small claims procedure.

**SECTION 11.** No attorney at law, except on his own behalf or as a witness, may take any part in the prosecution or defense of litigation in the small claims court. Provided, however, this section shall not be construed to prohibit an attorney from advising a party concerning the anticipated prosecution or defense of an action in the small claims court.

**SECTION 12.** (a) The judge shall conduct an informal hearing, and develop all of the facts in the particular case. The judge may take testimony, disregard rules of pleading and evidence, summon any party to appear as a witness in the suit upon the judge's own motion, and do other acts which appear necessary to effect a correct judgment and speedy disposition of the case. These powers are in addition to any powers given to judges of the general sessions courts that are not inconsistent with this act.

(b) When judgment is to be rendered in an action pursuant to this act, and the party against whom it is to be entered requests an inquiry, or on the judge's own motion, the judge shall inquire fully into the parties' financial status and may stay execution and order partial payments to the clerk of the court, as seem just under the circumstances.

After notice to the party and upon a showing by a preponderance of the evidence that the party has failed to meet an installment payment without just excuse, the stay of execution shall be vacated. When a stay of execution has not been ordered or when a stay of execution has been vacated as provided in this subsection, the party in whose favor the judgment has been entered may use all remedies available in the general sessions court for the enforcement of the judgment. Provided, however, no execution shall issue upon any judgment in the small claims court until after expiration of ten (10) days next following the date of entry of the judgment.

**SECTION 13.** (a) The plaintiff, or the clerk of the court at the request of the plaintiff, shall prepare the civil warrant. The plaintiff shall be responsible for sending notice to all defendants by registered or certified mail, return receipt requested. Such notice shall be mailed by the plaintiff within three (3) business days of the filing of the warrant. The plaintiff must show proof of notification at the hearing.

(b) The clerk shall cooperate with the parties in answering any questions they may have concerning the small claims procedure. The clerk shall not, however, give any legal advice nor express any opinion concerning the merits or probable outcome of the action.

**SECTION 14.** (a) Before any trial in the small claims court, the judge shall inquire of the defendant whether the defendant understands and wishes to waive the rights to be represented by an attorney, to appeal the judgment of the court, and to receive a jury trial, and by so doing to have



the case heard in the small claims court, or whether the defendant wishes to have the case transferred to the regular docket of the general sessions court and not to waive any of such rights. In addition, before any trial in the small claims court, both the plaintiff and the defendant shall sign a statement setting forth in clear and conspicuous language a waiver of the rights to be represented by an attorney, to appeal the decision of the court, and to receive a jury trial. If the plaintiff declines to execute the waiver provided in this subsection, the action shall thereupon be dismissed without prejudice.

(b) A case shall be removed from the small claims court to the regular docket of the general sessions court if: (1) the defendant so requests; or (2) if either party declines to execute the waiver statement as provided in subsection (a) of this section; or (3) if a defendant's crossclaim or counterclaim exceeds the jurisdictional limit for the small claims court.

**SECTION 15.** In order for a plaintiff to be entitled to a default judgment, the plaintiff shall offer sufficient evidence of the claim against the defendant in order to make a prima facie showing that the plaintiff is entitled to judgment. The plaintiff shall offer additional evidence, if needed, to prove the amount owned to the plaintiff.

**SECTION 16.** The prevailing party in any action in the small claims court may be awarded the costs of the action.

**SECTION 17.** A trial in the small claims court shall be without a jury.

**SECTION 18.** An appeal may not be taken from the judgment or order of the small claims court except in a case when a default judgment has been entered; in such case an appeal may be taken to the circuit court in the same manner as provided by law for appeals from other judgments in the general sessions court. The pauper's oath is available for an appeal perfected pursuant to this section.

**SECTION 19.** (a) Ten (10) days after the entry of a judgment in the small claims court and assuming no appeal has been taken as provided in Section 18 of this act, the judgment is then final, and execution may be issued thereon unless previously stayed by order of the judge or by operation of law.

(b) A judgment obtained under this act may be pleaded as res judicata only as the amount involved in the particular action, and such judgment shall not otherwise be deemed an adjudication of any fact at issue or found therein in any other action or court.

**SECTION 20.** All provisions relating to the general sessions court and the rules of the court apply to the small claims court as far as they may be applicable, and are not in conflict with this act. In case of a conflict, the provisions of this act shall control.

**SECTION 21.** 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 22.** This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes stated in Section 1.

**SECTION 23.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Putnam County and certified to the Secretary of State.

**SECTION 24.** For the purposes 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 23.

Passed: April 25, 1996.

## Probate Court

### Private Acts of 1965 Chapter 229

**SECTION 1.** That there is hereby created a court, effective July 1, 1965, for Putnam County, Tennessee, having probate jurisdiction coextensive with the boundary lines of said county, and to be known as the Probate Court of Putnam County, Tennessee.

**SECTION 2.** That the Judge of the General Sessions Court of Putnam County, Tennessee, upon his being elected and qualified as Judge of the General Sessions Court shall also be Judge of the Probate Court of Putnam County, Tennessee, and the present General Sessions Judge of Putnam County, Tennessee, shall

be and is hereby designated to serve as such Probate Judge until his successor is duly elected and qualified under the terms and provisions of this Act.

**SECTION 3.** That the terms of the Probate Court of Putnam County shall be monthly, commencing on the First Monday of each calendar month. Process shall be returnable on the first Monday in each calendar month if served more than five (5) days before the said first Monday, but when served less than five (5) days before said first Monday, then on the first Monday of the next succeeding month.

**SECTION 4.** That the Probate Court of Putnam County, Tennessee, shall have and exercise all the jurisdiction of the County Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability. Said Probate court shall also have concurrent powers and jurisdiction with the Chancery Court in all suits and matters pertaining to the sale of property of persons under disability as set out and provided in Chapter 6, Title 34 of Tennessee Code Annotated and shall have concurrent powers and jurisdiction with the Chancery Court relative to removal of minority proceedings. His jurisdiction shall also include that exercised by the County Judge before the passage of this Act in all nonsupport cases. The County Judge of Putnam County upon the creation and establishment of the Probate Court is divested of all common law and statutory jurisdiction in the matters enumerated above, to the end that he (County Judge) shall serve primarily as the fiscal officer and Juvenile Judge of said county, preside over the Quarterly County Court at its regular and special meetings, and exercise all other jurisdiction and powers heretofore vested in him except those for which he has been divested above. When this Act becomes effective, all matters within the jurisdiction divested from the County Court and vested in the Probate Court by this Act pending in the County Court on said date shall be completed by the Probate Court except as otherwise prevented by the general law of this State, the same as if these matters had originated in the Probate Court, and all process in these matters returnable to the County Court shall be returned to the Probate Court. In addition to the powers and duties set out above for such Probate Judge, he may sit by interchange with the Circuit, and Criminal Judges and with the Chancellor, and they with him, in such county.

As amended by: Private Acts of 1967-68, Chapter 156

**SECTION 5.** The Circuit Court Clerk of Putnam County shall be the Clerk of the Probate Court and all fees received by the Circuit Court Clerk when acting as Clerk of the Probate Court shall continue to be a part of the fees of such Clerk's office. The Circuit Court Clerk is empowered and authorized to employ any necessary deputy clerk or clerks who shall be compensated out of the fees of the office as now provided by law upon making application for such assistance as provided by Tennessee Code Annotated, Title 8, Chapter 20.

As amended by: Private Acts of 2008, Chapter 110

**SECTION 6.** That said Judge shall receive for his duties as Probate Judge a salary of Fifty Five Hundred Dollars (\$5,500.00) per annum, payable monthly from the county treasury like other county officials are paid, from and after the effective date of this Act, in addition to the salary received by him for his services as General Sessions Judge.

As amended by: Private Acts of 1967-68, Chapter 156

**SECTION 7.** That the Judge of the Probate Court of Putnam County shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors and possess the same qualifications.

**SECTION 8.** That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Putnam County on or before July 1, 1965. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

**SECTION 9.** That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on July 1, 1965, the public welfare requiring it.

Passed: March 15, 1965.

## Private Acts of 1981 Chapter 63

**COMPILER'S NOTE:** Only the printed Sections applied to the Probate Court, the other sections applied to the County Executive.

**SECTION 3.** All judicial powers and duties formerly exercised by the County Judge whether pursuant to general law or private act which were transferred to the Judge of the Probate Court of Putnam County September 1, 1974, shall remain with the Probate Judge and he shall continue to have the authority to hire a secretary to help him carry out the duties imposed upon him, subject to the approval of the Putnam County Board of County Commissioners.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer and certified to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: March 25, 1981.

## Court System - Historical Notes

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

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

1. Private Acts of 1923, Chapter 234, amended Public Acts of 1919, Chapter 37, which authorized the criminal court judges and the circuit court judges having criminal jurisdiction to appoint the foremen of grand juries so as to exempt from the provisions of Chapter 37 all the Judges holding court in Putnam County.
2. Private Acts of 1935, Chapter 392, established a three member Board of Jury Commissioners in Putnam County, who must be freeholders or householders, a two year resident of the county, and not an attorney, nor an official of the State, or County, and who could have no suit pending in the courts. The members would be appointed by the judge holding the Circuit Court for a term of two years, with the first Board hereunder serving until the fourth Monday in May, 1937. Justices of the Peace were expressly declared to be eligible to serve. Within ten days after their appointment, the Circuit Court Clerk would call them to meet, and be sworn into office according to the oath in the Act. On the first Monday of the month preceding the opening of the criminal court term, the Board would convene and select from the tax rolls 42 names as a jury list for the criminal court and at the same time choose 18 names for the circuit court, dividing the combined number as equally as they could between the civil districts of the county. The names of those chosen would be entered upon a book supplied for that purpose and the entire list must be duly certified by all three members of the Board. The Grand Jury would be taken from this list but the Foreman of the Grand Jury was to be named by the Criminal Court Judge without any regard to the list. Provisions were made to replenish exhausted jury panels and to summon people for special juries. The Commissioners would be paid \$3 for making out the jury list at each term. This list when completed would be sent to the Sheriff at the appropriate time to be summoned. The selection of foreman of the grand jury would be in accordance with Public Acts of 1919, Chapter 37, thus repealing by implication Private Acts of 1923, Chapter 234. This Act was repealed by Private Acts of 1937 Chapter 86.
3. Private Acts of 1935 (Ex. Sess.), Chapter 114, amended Private Acts of 1935, Chapter 392, by correcting the census data so as to make Chapter 392 apply to Putnam County. Section 12 was amended by deleting the provision that prior service on a jury within two years from the date of this selection would not be a disqualification to serve as a juror. This Act was repealed by Private Acts of 1937, Chapter 86.
4. Private Acts of 1951, Chapter 20, established a three member Board of Jury Commissioners who would be appointed by agreement of the Circuit Judge and Criminal Court Judge whose members must be freeholders, householders and county residents, who are not lawyers, or elected State, County or city official and who have no suit pending in the courts. Each one would be appointed to a six year term but would not be eligible for reappointment at the end of that time. Vacancies must be filled in the same manner as original appointments, except that they would be only for the unexpired term. After being sworn to the oath prescribed in the Act, the Board would meet to select a Chairman The Circuit Court Clerk, also being sworn, would perform as Clerk of the Board. The Board would then meet to select at least 500 and nor more than 1000 names from the tax rolls, or other public sources, which would constitute the jury list for the next two years, and which would not be added to, or reduced, except as provided in this Act. The names would be enrolled in alphabetical order by the clerk in a book especially chosen for that purpose and the entire list must be certified by all three members of the Board. The names would also be placed on scrolls and placed in a jury box which would be locked and sealed, and not opened except in the presence of the Board and then only to produce a new list, or to select a jury. Not less than ten nor more than twenty days before court started, the Board would unlock the box and have a child under ten years of age draw at least 36 and nor more than 50 names from the box, unless

the judge required a higher number. These people would serve as the grand and petit jurors for that term of Court. These names, and a list of them certified by the Clerk would be delivered to the Judge in open Court on the first day of the term, all names of disqualified people for any reason having been removed from the list. Five days before court the list would be delivered to the Sheriff who would summon the jurors. Provisions were included to provide special jury panels and to replenish panels which might be exhausted for any reason. Penalties were provided for violations of this act including removal of Commissioners who do not observe all the requirements herein. None could be excused from jury duty except by the Judge. The commissioners would be paid \$4 per day for each day spent in the performance of their duties hereunder.

5. Private Acts of 1957, Chapter 385, would have set the compensation of the Foreman of the Grand Jury in Putnam County at \$8 per day but no compensation would be allowed except for those days which the Foreman actually served in the performance of the duties of the office. This Act was rejected by the Putnam County Quarterly Court and therefore never became an effective law under the Provisions of the Home Rule Amendment to the State Constitution.
6. Private Acts of 1957, Chapter 391, was also rejected by the Quarterly Court and never took effect in Putnam County. A three member Board of Jury Commissioners would be appointed by the Circuit and Criminal Court Judges, who must meet the qualifications stated in the Act, and who would serve staggered terms initially and then three year terms thereafter. The Board would, after complying with the instructions of the Act prior thereto select at least 800 names from the tax rolls and voters registration lists to constitute the jury list for the county until the Judge decided a new one was needed. The Clerk must prepare a Jury Box #1 and a Jury Box #2. Box #1 would contain the names as first produced by the Board. The names selected by the child under 10 in the presence of the Judge and Commissioners would be entered in the Jury Book and finally go into Box #2. Provisions for replenishing juries were included.

### **Chancery Court**

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

1. Acts of 1841-42, Chapter 169, which originally created Putnam County provided that all the courts would meet at White Plains until a seat of justice could be selected and built. The Court could adjourn at any time to a better place should one become available. The Chancery Court at Gainsborough, Sparta, or Livingston would receive and hear the suits in equity which originated in Putnam County.
2. Acts of 1845-46, Chapter 82, Section 2, rescheduled the terms of Court for some of the Chancery Courts in the Fourth Chancery Division. Among them was the Court at Gainsborough in Jackson County which heard the cases from Putnam County whose terms would hereafter commence on Wednesday after the fourth Monday in January and July. In Sparta, court would meet on Wednesday after the second Monday in March and September. At Livingston, court would meet on the third Monday in March and September.
3. Acts of 1849-50, Chapter 213, provided that the terms of the Chancery Court meeting at Gainsborough would begin in the future on the Wednesday after the second Monday in January and July.
4. Acts of 1851-52, Chapter 331, amended Acts of 1849-50, Chapter 213, which required the Chancellor of the Fourth Division to hold the chancery court at Gainsborough in Jackson County so that the terms of court would begin at Gainsborough on the first Wednesday after the first Monday in February and on the first Wednesday after the second Monday in July.
5. Acts of 1853-54, Chapter 320, was the second organization of Putnam County subsequent to the decision of the Supreme Court which would allow its re-establishment. The Chancery cases arising in Putnam County could be filed either at Sparta, Livingston, or Gainsboro.
6. Acts of 1855-56, Chapter 22, stated that Putnam County would be a separate Chancery District whose court would be held by the Chancellor of the Fourth Chancery Division at the Court House in Cookeville on the first Friday after the first Monday in February, and on the first Friday after the second Monday in July. The Chancellor was obligated to appoint a Clerk and Master for the new Court. It would be lawful for the Chancellor to order the cases pending at Livingston, Gainsborough, Sparta, or Smithville, which have originated in Putnam County to be transferred to this Court.
7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The Fourth Chancery Division consisted of the counties of Wilson,

Macon, Jackson, Smith, Coffee, Franklin. Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Putnam whose Court would convene on the first Monday in February and the third Monday in September at Cookeville.

8. Acts of 1857-58, Chapter 95, Section 7, gave the Judge of the Fourth Judicial Circuit the duty of holding the Chancery Court in the counties of Putnam and Cumberland. The Judge would have and could exercise all the powers and jurisdiction of other Chancellors. The Court at Cookeville would begin its terms on the first Monday in February and the third Monday in September of each year. The Chancellor would also hold court on Friday after the second Monday in July.
9. Acts of 1859-60, Chapter 86, Section 4, provided that the Judge of the 6th Judicial Circuit would hold the Chancery Court at Cookeville in Putnam County on the fourth Monday of April, August, and December.
10. Acts of 1866-67, Chapter 33, created and organized the 12th Chancery Division which contained the counties of White, Van Buren, Grundy, Coffee, Franklin, Putnam, Smith, DeKalb, Cannon and Warren. The Governor was required to appoint a Chancellor for the new Division until a successor could be elected for a specified term by popular vote. Section 3 fixed the opening dates for the terms of Court assigning Putnam County to the third Monday in April and October.
11. Acts of 1870, Chapter 32, divided the State into twelve Chancery Districts of which the Fifth Chancery District included the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, Dekalb and Clay.
12. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Court of every County in the State. The Chancery Court of Putnam County would start the regular terms of court on the first Monday in March and September.
13. Acts of 1885, (Ex. Sess.), Chapter 20, was the next complete revision of the Tennessee lower judicial system. Eleven Chancery Divisions were formed in the State. The Fifth Chancery Division contained the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, White, DeKalb, Smith, Macon, and Putnam whose court would meet on the last Monday in February and August. (This Act, plus many others, were carefully considered by the Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958), although the case concerned only the Memphis criminal court.)
14. Acts of 1891 (Ex. Sess.), Chapter 11, scheduled the opening dates for the Chancery Court terms for the counties in the Fifth Chancery Division. These counties were DeKalb, Jackson, Macon, Clay, Overton, Pickett, Fentress, Cumberland, White, Smith and Putnam where the Chancery Court would begin its regular terms on the first Tuesday after the fourth Monday in February and August.
15. Acts of 1895, Chapter 15, reset the court terms for some of the Chancery Courts in the Fifth Chancery Division, changing Putnam County to the third Monday in May and November.
16. Acts of 1897, Chapter 43, set the times for opening Chancery Court in the Fifth Chancery Division. Putnam County would open on the first Monday after the fourth Monday in April and October. the Chancellor of the Fifth Chancery Division would also hear non-jury civil cases which were not tried by the Circuit Judge during the first term in Putnam, Jackson and White Counties.
17. Acts of 1897, Chapter 294, rearranged the dates on which the terms of the Circuit Courts in the Fifth Judicial Circuit and the Chancery Courts in the Fifth Chancery Division would open. The Fifth Chancery Division included the counties of Smith, Macon, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, DeKalb, and Putnam whose Chancery court terms would commence on the first Tuesday after the second Monday in June and December.
18. Acts of 1899, Chapter 427, reorganized the structure of the entire lower court system of Tennessee. The Act created ten Chancery Divisions and assigned the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale to the Fourth Chancery Division. Court terms would continue to open in Putnam on the first Tuesday after the second Monday in June and December.
19. Acts of 1905, Chapter 120, changed some of the counties in the Fourth Chancery Division to include Cannon, Trousdale, Cumberland, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, and Putnam whose court would thereafter convene on the second Monday in June and December.
20. Private Acts of 1911, Chapter 507, rearranged some of the scheduled dates for Chancery Court terms to start in the Fourth Chancery Division, which was now composed of the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, and Putnam whose Court would meet on the third Monday in June and

the second Monday in December.

21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the State into fourteen Chancery Divisions allocating the counties of Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White and Putnam to the Fourth Chancery Division. The Court terms would commence in Putnam County on the first Monday in June and December

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

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

1. Acts of 1855-56, Chapter 22, in creating a Chancery District to Putnam County authorized the Chancellor to appoint a Clerk and Master.
2. Acts of 1870-71, Chapter 103, recited that the office of Clerk and Master had been vacant for several months in Putnam County, and Jesse Arnold, a Deputy, had been acting as Clerk and Master at the request of attorneys and other interested parties. This Act ratified and confirmed all the acts done and performed by the said Arnold and directed further that he receive the same fees as provided by law to Clerks and Masters.

### **Circuit Court**

The following acts were once applicable to the circuit court of Putnam 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 1841-42, Chapter 169, which originally created Putnam County, provided that all the courts of the county would first meet at White Plains but the Court could adjourn to a more suitable place. The first Circuit Court would meet at White Plains on the second Monday in March, next, and afterwards would meet on the second Monday in March, July, and November, as part of the Fourth Judicial Circuit.
2. Acts of 1853-54, Chapter 320, re-established Putnam County after a gap of several years. The Circuit Court would meet at the home of Lewis Huddleston until the county seat was selected and prepared but the court had the authority to adjourn to any other place in the county. The Circuit Court was assigned to the Fourth Judicial Circuit and would begin the regular terms of court on the second Monday in April, August and December.
3. Acts of 1857-58, Chapter 82, Section 4, provided that the Circuit Court of Putnam County would hereafter be held on the third Monday in January, May, and September, but the next succeeding term after the passage of this Act would occur at the time set by the current law.
4. Acts of 1857-58, Chapter 98, separated the State into sixteen Judicial Circuits. The Sixth Circuit contained the counties of Jackson, Macon, Smith, DeKalb, and Putnam where the regular court terms would begin on the fourth Monday in April, August, and December.
5. Acts of 1870, Chapter 31, was part of a complete restructuring of the lower Court system undoubtedly influenced by the reconstruction policies after the Civil War and in anticipation of the Constitutional Convention to come. The General Assembly formed fifteen regular, and one special, judicial circuits in this law. The Fifth Circuit was composed of the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay, if established.
6. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Courts in every County in Tennessee. In Putnam County the Court would commence on the second Monday of February, June, and October.
7. Acts of 1872 (Ex. Sess.), Chapter 15, changed the schedule of Circuit Court terms in the counties of Macon, Clay, Jackson, Overton, White, DeKalb, and Smith, but Putnam County would continue the terms of circuit court on the second Monday in February, June, and October.
8. Acts of 1881, Chapter 92, reset the terms of the Circuit Courts in the Fifth Judicial Circuit. The Circuit Court of Putnam County would commence the regular terms of the court on the first Tuesday after the second Monday in February, June, and October.
9. Acts of 1885 (Ex. Sess.), Chapter 20, formed sixteen regular, and one special, judicial circuits in this complete revamping of the lower Court system of the State. The Fifth Judicial Circuit included the counties of Pickett, Fentress, Cumberland, Overton, Clay, Macon, Jackson, Smith, Trousdale, and Putnam where the Court would open on the Tuesday after the second Monday in February, June, and October.
10. Acts of 1887, Chapter 12, rescheduled the terms of court for the Circuit Courts in the Fifth Judicial Circuit. Putnam County would take up the regular docket of the Court on the second Monday in

January, May, and September.

11. Acts of 1891 (Ex. Sess.), Chapter 3, repealed the Act which detached Cumberland County from the Fifth Judicial Circuit and added it to the Third Circuit, thus restoring Cumberland to the Fifth Circuit composed of the counties of White, Cumberland, Smith, Trousdale, and Putnam County which would start its Circuit Court terms on the first Monday in January, May, and September.
12. Acts of 1895, Chapter 221, amended Acts of 1891 (Ex. Sess.), Chapter 3, to the effect that the Circuit Court of Putnam County would hereafter be held on the Tuesday following the first Monday in January, May, and September.
13. Acts of 1897, Chapter 43, set the times for holding the circuit courts in the Fifth Judicial Circuit. In Putnam County, the Court would meet on the second Monday in January, May and September.
14. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, but Putnam County's Court remained on the first Tuesday after the first Monday in January, May and September. The Circuit was made up of the counties of White, Overton, Pickett, Clay, Jackson, Macon, Smith, Trousdale, and Cumberland.
15. Acts of 1899, Chapter 427, reorganized the lower judicial system of Tennessee into fourteen Judicial Circuits assigning the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon to the Fifth Judicial Circuit. The terms in Putnam County would still open on the Tuesday after the first Monday in January, May, and September.
16. Acts of 1901, Chapter 324, reset the court schedule for some of the counties in the Fifth Judicial Circuit but did not affect Putnam County.
17. Acts of 1903, Chapter 457, amended Acts of 1901, Chapter 324, so as to change the dates of the Circuit Court terms in Smith County, White County, and Putnam County whose Court would hereafter begin the regular terms of court on the first Tuesday after the third Monday in January, May, and September.
18. Private Acts of 1907, Chapter 85 divided the Circuit Court's jurisdiction in Putnam County into civil and criminal divisions.
19. Private Acts of 1907, Chapter 122, rearranged the terms of the circuit court in the Fifth Judicial Circuit for the counties of Smith, White, Cumberland, Pickett, Overton, Clay, Jackson, Trousdale, Macon, and Putnam where the Court would afterwards meet on the fourth Monday in March, July, and November.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, created a total of twenty Judicial circuits in this complete reorganization of most of the trial courts in Tennessee. The Fifth Judicial Circuit contained the counties of Clay, White, Overton, Jackson, Cumberland, Pickett, and Putnam whose circuit court would meet on the fourth Monday in March, July, and November.

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

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

1. Acts of 1903, Chapter 255, was a salary act for Circuit Court Clerks in which their annual salary was determined by the population class of the county in which they served, according to the census of 1900. A sworn, itemized statement had to be filed with the County Judge, or chairman, showing the total amount of fees collected in the office for the preceding year. If the fees were less than the salary, the County was obligated to pay the difference. If the fees exceeded the salary, the Clerk could retain the excess. According to the 1900 census figures the Circuit Court Clerk in Putnam County would have drawn \$750 a year.
2. Private Acts of 1915, Chapter 601, provided that the Circuit Court Clerk in Putnam County would be paid \$5 per day for clerical help during the actual sessions of the Court in which the clerk was required to keep minutes. To be paid the Clerk must verify the accuracy of the minutes whereupon a warrant would be issued to pay the above amount. This Act was repealed by Private Acts of 1919, Chapter 721.

#### **Criminal Court**

The following acts once pertained to the Putnam County criminal court, but are no longer current law.

1. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, listed the counties of White, Overton, Jackson, Macon, Trousdale, Smith, Wilson, and Putnam in the Criminal Court Division of the Fifth Judicial Circuit. The Court in Putnam County was scheduled to open its regular terms of court on the first Tuesday after the third Monday in January, May, and September.

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

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

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney-General in the Fifth Judicial Circuit who must be at least 25 years of age, or older, learned in the law, and who would serve at the pleasure and direction of the Attorney-General of the Circuit. The salary was set at \$1,800 annually to be paid out of the State Treasury. This Act was repealed by Private Acts of 1919, Chapter 166.
2. Private Acts of 1921, Chapter 553, created the office of Assistant Attorney-General in Putnam County. The Attorney General of the Circuit was required to appoint a suitable person to serve at his will and under his direction, who must be learned in the law and not under 25 years of age. The salary of \$2,000 per year would be paid out of the State Treasury.
3. Private Acts of 1927, Chapter 805, amended Private Acts of 1921, Chapter 553, by increasing the annual salary of the Assistant Attorney-General, provided for therein, from \$2,000 to \$2,400.
4. Public Acts of 1976, Chapter 563, and Public Acts of 1978, Chapter 770, created additional positions for assistant district attorneys general and criminal investigators in the Fifth Judicial Circuit. Putnam County is now part of the Thirteenth Judicial District, according to T.C.A. 16-2-506, which also provides the number of judges, assistant district attorneys general and investigators for the district.

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