



July 22, 2024

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# Chapter V - Court System

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

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# Chapter V - Court System

## General Sessions Court

### Private Acts of 1953 Chapter 232

**SECTION 1.** That there is hereby created and established a court in and for Montgomery County, Tennessee, which shall be designated "Court of General Sessions of Montgomery County, Tennessee." Said Court of General Sessions shall sit at Clarksville, Montgomery County, Tennessee. A Court room and adequate facilities for said court shall be provided in the Court House at Clarksville for said Court. It shall be the duty of the custodian of the Court House at Clarksville, Montgomery County, Tennessee, to provide a court room in said Court House for the General Sessions Court. It shall be the duty of the County Judge to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of the General Sessions Court, and all expenses of same shall be paid out of the general funds of the County.

**SECTION 2.** That the Court of General Sessions of Montgomery County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be coextensive with Montgomery County, Tennessee, except that said Justices of the Peace shall retain the authority to issue criminal warrants upon proper complaints being made in cases of misdemeanors and such warrants shall be made returnable to the General Sessions Court of Montgomery County; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace their jurisdiction until the qualifications of the Judge for said Court of General Sessions are hereinafter provided. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

The Court of General Sessions for Montgomery County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases, as provided for in Section 1194 of William's Code of Tennessee which are brought before said Court by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or request a trial upon the merits and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a Jury, and the Court shall enter such judgment, 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.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section where trial was had upon the merits and indictment, presentment and grand jury investigation were waived may appeal such judgment to the next term of the Criminal Court of Montgomery County, upon 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 Montgomery County, shall be tried by the Judge of the Criminal Court without a jury unless the defendant demands a jury, and without indictment and presentment, and upon the original warrant issued against such person.

As amended by:

Private Acts of 1955, Chapter 164

Private Acts of 1961, Chapter 276

**SECTION 3.** That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees fixed by law for the issuance of the warrant or writ, docketing, and the fees of the officers for serving the process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay to the Clerk the fees fixed by law for the issuance and service thereof. Such payment made for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the service of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, and plaintiff, or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence and prosecute an action without making the advance payments above provided for by taking and subscribing to the oath provided by Section 9080 of the 1932 Code of Tennessee, and any subsequent pertinent acts.

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

Any party may appeal from an adverse decision to the Circuit Court of Montgomery County, within a period of ten (10) days upon complying with the law as now provided for appeals from Justices of the Peace Courts. Any appeal shall be heard de novo in the Circuit Court. If no appeal is taken within the time provided, then the execution may issue.

**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 it shall be mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury.

Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury, and the right to be tried by a jury of his peers, such Court may proceed to hear and determine such cases as is provided in Section 2 hereof. Said waiver shall be written and attached to the warrant substantially in words and figures as follows:

The Defendant, \_\_\_\_\_, pleads not guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers.

**SECTION 7.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken to the Clerk or the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 8.** 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. And in juvenile matters the costs and fees shall be the same as those provided by law for Juvenile Courts. The fees and other compensation of officers for the execution of writs and process of said Court, and 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 and Juvenile Courts. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the officers for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 9.** 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 warrants or process, to what officer given, 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 and officers for this services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

**SECTION 10.** That the first Judge of said Court shall be William O. Beach. Said Judge shall hold office until the first day of September, 1954, or until his successor in office is duly elected and qualified.

**SECTION 11.** That the Judge of said Court shall be a resident of Montgomery County, Tennessee, at least thirty years of age, learned and practiced in the law, and shall be elected by the qualified voters of Montgomery County at the General Election for County Officers to be held on the first Thursday of August, 1954, and the person elected as Judge of said Court at said election to be held on the first Thursday of August, 1954, shall hold office until the first day of September, 1958, or until his successor is elected and qualified. His successor shall be elected by the qualified voters of Montgomery County, Tennessee, at the election for County officers on the first Thursday of August, 1958, and this successor shall hold office from the first day of September, 1958, or until his successor has been duly elected and qualified.

His successor shall be elected every eight (8) years thereafter, it being the intent of the Legislature that the term of office commencing September 1, 1958, and thereafter shall be for a term of eight (8) years.

The oath of office shall be the same as that prescribed for Circuit Judges and Chancellors and shall be taken and filed in the same manner with the same officers as that prescribed for Circuit Judges and Chancellors.

Any person who is appointed to or elected to said office shall qualify within thirty (30) days after such person has been certified in the manner required by law as the person appointed or elected, and in the event of the failure of such person to so qualify, then the Governor of Tennessee shall appoint a person to fill the vacancy thereby created. In the event a permanent vacancy in the office of Judge occurs, that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of such Judge is elected and qualified.

**SECTION 12.** Effective September 1, 2022, the annual salary of all general sessions judges of Montgomery County is set at an amount equal to the amount received annually by the circuit court judges and chancellors of Montgomery County. On July 1, 2023, and every July 1 thereafter, the annual salary of all of the general sessions judges of Montgomery County must be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103(2) and Section 16-15-5003(f) and (g). The salary provided for the general sessions judges must be paid in twelve ( 12) equal installments. Further, any and all private acts, and/or any part thereof applicable to Montgomery County, Tennessee, in conflict herewith is repealed.

As amended by: Private Acts of 1957, Chapter 157  
Private Acts of 2022, Chapter 48

**SECTION 13.** That the Clerk of the Circuit Court of Montgomery County, Tennessee, shall be the Clerk of the General Sessions Court of Montgomery County, Tennessee. The Clerk of the General Sessions Court of Montgomery County, Tennessee, shall be allowed as compensation for serving as said Clerk the sum of Three Thousand (\$3,000.00) Dollars per annum payable in twelve (12) monthly installments out of the fees collected as herein provided for, and all fees in excess of said sum shall be paid to the Trustee of Montgomery County, Tennessee, as herein provided. The Clerk of the General Sessions Court of Montgomery County, Tennessee, shall be allowed one (1) Deputy Clerk who shall receive as compensation Three Thousand (\$3,000.00) Dollars per annum, payable in twelve (12) monthly installments from the same funds and in the same manner as provided herein for the compensation of the said Clerk of General Sessions Court.

As amended by: Private Acts of 1963, Chapter 281

**SECTION 14.** That all the fees, commissions and emoluments accruing under the provisions of the Act to the Judge and Clerk respectively of said Court of General Sessions, in the nature of Court Costs and all fees shall accrue to Montgomery County, Tennessee. Payments of all fines collected shall be made and accounted for as provided by law.

As amended by: Private Acts of 1967-68, Chapter 12

**SECTION 15.** That the Clerk of the Circuit Court and his deputies shall have concurrent authority with the Judge of the Court of General Sessions to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

**SECTION 16.** That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as heretofore provided by law.

**SECTION 17.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace in Montgomery County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 18.** That the Court of General Sessions in Montgomery County, Tennessee, be and is vested with full power to punish for contempt of Court by a fine not to exceed Ten (\$10.00) Dollars.

**SECTION 19.** That in the event of a temporary vacancy, the General Sessions Court Clerk shall call a meeting of the practicing attorneys and a Judge Pro Tem shall be appointed by a majority of the members in attendance at said meeting.

**SECTION 20.** There is created a Second Division of the Court of General Sessions in Montgomery County, Tennessee, the existing court to be known hereafter as the First Division of the Court of General Sessions of Montgomery County, Tennessee. The Second Division shall have the same terms of Court, the same jurisdiction and powers as are now exercised by the First Division of such court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 21.** The office of judge of the Second Division of the Court of General Sessions of Montgomery County, Tennessee is created. Such office shall be filled by an appointee hereafter to be named by the governor, until the election of the judge to fill such office as hereinafter provided. The judge so appointed or elected, and his successors in office, shall sit and hold court regularly in the Second Division of the court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 22.** The governor shall, on or before September 1, 1979, appoint a person qualified under the

law to fill the office of judge of the Second Division of the Court of General Sessions of Montgomery County, Tennessee, who shall hold office until August 31, 1980, and thereafter until his successor is elected and qualifies. His successor shall be elected by the qualified voters of Montgomery County, Tennessee, at the election for county officers held on the first (1st) Thursday of August, 1980, and this successor shall hold office from the first (1st) day of September, 1980, until the thirty-first (31st) day of August, 1982, and thereafter until his successor has been duly elected and qualified. At the election for county officers held on the first (1st) Thursday of August, 1982, and at each succeeding judicial election thereafter, a judge for the Second Division of the Court of General Sessions shall be elected for an eight (8) year term. Vacancies in such office shall be filled in the same manner as are vacancies in the office of judge of the First Division of such court filled.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 23.** The judge of the Second Division of the Court of General Sessions of Montgomery County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as does the judge of the First Division of such court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 24.** The chief judge of the Court of General Sessions for the year beginning September 1, 1979 shall be the judge who has served the greatest number of consecutive years as a judge of such court. Thereafter, the chief judgeship shall alternate between the two (2) divisions of the court, with each term of such chief judgeship beginning on September 1, of each year for a duration of one (1) year.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 25.** All rules and regulations necessary for the administration of the First Division of the Court of General Sessions of Montgomery Court, Tennessee, shall be enlarged to include the Second Division created herein, and the minutes of the Second Division shall be kept in the same manner as the minutes of the First Division and shall be signed by the judge of the Second Division.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 26.** Adequate facilities and all dockets, furnishings, supplies, and equipment necessary for the proper maintenance and functioning of the Second Division of the Court of General Sessions shall be provided and paid for in the same manner as for the existing First Division of such court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 27.** The sheriff, or any deputy sheriff, of Montgomery County, shall serve legal processes, writs, and papers issued by the Second Division of the Court of General Sessions, in the same manner and with the same authority as for those issued by the First Division of such court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 28.** The office, powers, duties and responsibilities of the Clerk of the Court of General Sessions shall be enlarged to include the work of the Second Division of such court.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 29.** That the Legislature 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 30.** That Chapter 113, Private Acts of 1937, establishing a Court of General Sessions in and for Montgomery County, Tennessee, and all laws and parts of laws in conflict with this Act which apply to Montgomery County, Tennessee, be and the same are hereby repealed.

As amended by: Private Acts of 1979, Chapter 62

**SECTION 31.** That this Act shall take effect from and after its passage, the public welfare requiring it.

As amended by: Private Acts of 1979, Chapter 62

Passed: March 24, 1953.

## Private Acts of 1953 Chapter 233

**SECTION 1.** That disabled Judges of any Court of General Sessions of Montgomery County, Tennessee after ten years of consecutive service may apply for retirement and be retired.

**SECTION 2.** That any Judge of any Court of General Sessions of Montgomery County, Tennessee, who shall have been Judge of that Court for the ten consecutive years next preceding and who has attained the age of seventy (70) years and who may have become permanently disabled by reason of illness or injury to perform his duties, may apply for retirement and be retired as hereinafter set out.

**SECTION 3.** Said application shall be made to the County Judge, who shall investigate the facts and endorse upon the application his approval or disapproval of it; and shall then file it with the County Trustee.

**SECTION 4.** If the application shall be approved, the office of such Judge shall at once become vacant and the vacancy shall be certified to the Governor.

**SECTION 5.** Upon approving any such application, the County Judge shall certify this fact to the County Trustee, and there shall be paid by way of a pension to the Judge so retired, for the remainder of his term of office the sum of TWO HUNDRED TWENTY-FIVE (\$225.00) DOLLARS per month from the general fund of the County, to be paid monthly on the first day of each month, less any sum received by such retired Judge and his wife as Social Security Benefits.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 24, 1953.

## Private Acts of 1995 Chapter 66

**SECTION 1.** Chapter 232 of the Private Acts of 1953, as amended by Chapter 164 of the Private Acts of 1955, Chapter 157 of the Private Acts of 1957, Chapter 276 of the Private Acts of 1961, Chapter 281 of the Private Acts of 1963, Chapter 12 of the Private Acts of 1967, Chapter 62 of the Private Acts of 1979, and all other acts amendatory thereto, is amended to create a third division of the General Sessions and Juvenile Courts of Montgomery County, Tennessee. The said third division shall have the same terms of court, the same jurisdiction and powers as are now exercised by the General Sessions and Juvenile Courts of Montgomery County, Tennessee.

**SECTION 2.** Be it further enacted that the office of the third General Sessions and Juvenile Courts Judge is hereby created, which shall be filled by an appointee hereinafter to be named until the election of the Judge to fill such office as hereinafter provided, and the said third General Sessions and Juvenile Courts Judge to be so appointed or selected and his or her successors in office shall sit and hold Court regularly in Division Three thereof.

**SECTION 3.** Be it further enacted, that the county legislative body of Montgomery County shall appoint a person qualified under the law to fulfill the office hereby created of the General Sessions and Juvenile Courts Judge of Division Three, who shall hold office until September 1, 1996, and until his or her successor is elected and qualified. At the regular August election in 1996, a person qualified under the law shall be elected to serve until September 1, 1998, or until his or her successor is elected and qualified. At the regular August election in 1998, a person qualified under the law shall be elected for a term of eight years until his or her successor is elected and qualified. At each succeeding judicial election thereafter a judge for Division Three shall be elected for eight year terms.

**SECTION 4.** Be it further enacted that the Judge of the Third Division of the General Sessions and Juvenile Courts of Montgomery County, Tennessee, shall have the same qualifications and exercise the same powers and jurisdiction and receive the same compensation as do other General Sessions and Juvenile Court Judges of Montgomery County, Tennessee.

**SECTION 5.** Be it further enacted that the County Commission of Montgomery County, Tennessee, shall furnish the necessary supplies and furnishings for the Third Division, and shall furnish a suitable and separate courtroom, and the Sheriff of the County shall in person or by deputy attend the Third Division when it is in session.

**SECTION 6.** Be it further enacted, that the office, powers and duties and responsibilities of the Clerk of the General Sessions and Juvenile Courts shall be enlarged to include the work of Division Three, and the Clerk of his or her deputy shall attend Division Three when it is in session.

**SECTION 7.** Be it further enacted, that there is hereby created the position of presiding judge of the General Sessions and Juvenile Courts of Montgomery County, who shall be one of the judges of said courts. The first such presiding judge shall be the incumbent judge, being selected on a basis of seniority in office, and the position of presiding judge shall rotate between the judge of Division One of the General Sessions and Juvenile Courts of Montgomery County, Tennessee, Division Two and Division Three every three years. The presiding judge shall be responsible for the preparation and submittal of budgets of said courts to the county government and its appropriate departments, committees and agencies. The presiding judge shall have authority to call meetings of other judges of the courts who shall be required to attend such meetings for the purpose of discussing various problems pertaining to the conduct and operation of said court. The presiding judge shall promulgate all rules necessary for the supervision, conduct and administration of the court, including but not limited to the following:

1. Prescribing the days and hours when the courts sitting in branches, parts of division shall be in

session;

2. Assigning of civil, criminal, traffic and juvenile cases to respective branches, parts and divisions of said court.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County. Its approval or non-approval shall be proclaimed by the presiding officer of the County legislative body and certified to the Secretary of State.

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

Passed: May 15, 1995.

## Juvenile Court

### Private Acts of 1961 Chapter 276

**SECTION 1.** That Section 2, Chapter 232 of the Private Acts of 1953 be and is hereby amended so as to delete that portion of said section which reads as follows: "The Court of General Sessions for Montgomery County, Tennessee, is hereby vested with jurisdiction concurrent with the County Judge of Montgomery County, Tennessee, to try and determine, and render final judgment in all cases and actions involving juvenile matters brought before said Court of General Sessions for Montgomery County, Tennessee.

**SECTION 2.** That exclusive, original jurisdiction of all juvenile matters in Montgomery County, Tennessee, be and the same is hereby vested in a Juvenile Court with jurisdiction to try and determine, and render final judgment in all cases and actions involving juvenile matters for Montgomery County, Tennessee, and all power and authority vested by law in Juvenile Courts is hereby vested in the Juvenile Court of Montgomery County, Tennessee. All the jurisdiction heretofore exercised by the County Judge of Montgomery County, Tennessee is hereby divested from such Court and vested in the said Juvenile Court of Montgomery County, Tennessee.

**SECTION 3.** That the salary of the Juvenile Court Judge shall be Two Thousand Dollars (\$2,000.00) per year and the same shall be paid in equal monthly installments from the County General Fund.

**SECTION 4.** That the General Sessions Judge of Montgomery County, Tennessee, shall also serve as Judge of the Juvenile Court of Montgomery County, Tennessee.

**SECTION 5.** 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 6.** That this Act shall 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 2/3 roll call vote of the members of the Quarterly Court of Montgomery County, Tennessee.

Passed: March 14, 1961.

### Private Acts of 2013 Chapter 27

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

- (1) "Clerk" means the Juvenile Court Clerk of Montgomery County;
- (2) "Court" means the Juvenile Court of Montgomery County; and
- (3) "Judge" means the judge of the Juvenile Court of Montgomery County;

**SECTION 2.** There is created, in Montgomery County, a juvenile court to be known and styled as the "Juvenile Court of Montgomery County." The court shall be a court of record and shall be presided over by a judge who shall have the qualifications set forth by state law. The court shall have concurrent general sessions court jurisdiction.

**SECTION 3.** The judge shall be elected in the 2014 August general election. 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 sessions 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 such term of office, the vacancy shall be filled by a majority vote of the Montgomery County Commission members until the next county general election.



**SECTION 4.** The Montgomery County juvenile court clerk shall continue to serve as clerk of the Montgomery County juvenile court and any of such clerk's deputies shall also be deputies for the juvenile court 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, and shall have all of the jurisdiction, powers, duties, and authority of the general sessions court judges, pursuant to applicable state law.

**SECTION 6.** The judge shall be a full-time juvenile judge and shall exercise concurrent general sessions jurisdiction in Montgomery County. Nothing in this act shall restrict the ability of the judge to participate in interchange with other judges should cause exist making an interchange necessary or for mutual convenience under the provisions of Tennessee Code Annotated, Section 17-2-208.

**SECTION 7.** Effective September 1, 2014, the annual salary of the position of Montgomery County juvenile judge shall be that of Division I, II, and III general sessions and juvenile court judges in Montgomery County. The Montgomery County legislative body shall annually appropriate from such funds as are necessary and appropriate for the orderly operation and administration of the court herein created.

**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 Montgomery 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 10.** 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 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Montgomery County. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: July 8, 2013.

## Probate Court

### Private Acts of 1981 Chapter 106

**SECTION 1.** Chapter 249 of the Private Acts of 1972 is hereby repealed.

**SECTION 2.** Section 1 of Chapter 112 of the Private Acts of 1973 is amended in subsection (g) by deleting the words and punctuation "for the administration of decedents' estates, including the probate of wills, and".

**COMPILER'S NOTE:** Private Acts of 1973, Chapter 112, relating to the powers and duties of the County Executive and referred to in Section 2 above, is reprinted herein under the topic heading, "Administration, County Executive".

**SECTION 3.** All jurisdiction relating to the probate of wills and the administration of estates and related matters heretofore vested concurrently in the County Judge and the Probate Court of Montgomery County is hereby vested in the Chancery Court of Montgomery County in accordance with the general law. The Chancery Court shall have exclusive jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, heretofore vested concurrently in the County Judge and Probate Court of Montgomery County.

**SECTION 4.** The Clerk and Master shall be authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, take and state all accounts and settlements, subject to the approval of the chancellor, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. The Chancellor shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. All action taken by the Clerk and Master shall be subject to

review by the Chancellor by simple motion, petition or the filing of exceptions as may be appropriate.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

Passed: April 22, 1981.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Montgomery County, but are no longer operative.

1. Acts of 1799, Chapter 40, required Montgomery County to send ten jurors to the Superior Courts of the Mero District. Other Counties listed were: Sumner, seven; Smith, four; Wilson, four; Robertson, five; and Williamson, five.
2. Acts of 1803, Chapter 73, reapportioned the responsibility of the Counties in the Mero District to send jurors to the Courts because of the establishment of several new Counties. Montgomery County was required to send four jurors.
3. Acts of 1817, Chapter 128, authorized several counties, Montgomery County included, to levy a special tax to pay the jurors attending the County and Circuit Courts additional compensation, not to exceed fifty cents per day.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Montgomery 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 is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held by one of the Justices of the Supreme Court at the existing places of holding the Supreme Court at least once each year. The Equity Courts would be held at Rogersville on the first Monday in November, at Knoxville, on the third Monday of November, at Charlotte on the fourth Monday in December, at Sparta, on the second Monday in December, at Nashville on the fourth Monday in January and at Columbia on the second Monday in January, each term to continue for two weeks unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, required that the Judges of the Supreme Court make the arrangements among themselves to hold the Chancery Courts of the State at least twice each year at the places listed in the Act, which were Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Carthage, Jackson, and at Charlotte for the Counties of Montgomery, Robertson, Dickson, Stewart, Humphreys, and Hickman on the third Monday in June and December.
3. Public Acts of 1827, Chapter 79, divided the State into two Chancery Divisions. The Eastern Division held court at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western Division had its courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Montgomery and Stewart Counties were the Thirteenth District of the Middle Division, whose Court would be held in Clarksville on the first Monday in April and October but suits originating in Robertson County could be filed at Clarksville or at Gallatin.
5. Acts of 1837-38, Chapter 14, organized Montgomery, Dickson, Humphreys, Hickman, Stewart, and Cumberland Counties into one Chancery Division. Court would be held at Charlotte in Dickson County and all suits and process would be returnable there. The Court in Clarksville was abolished. The Chancellor of the Western Division would appoint the Clerk and Master for the Court at Charlotte.
6. Acts of 1839-40, Chapter 66, established a Chancery Court at Clarksville with Montgomery County

as a separate Chancery District and a part of the Western Division.

7. Acts of 1841-42, Chapter 27, set the time for holding the Chancery Court in Montgomery County on the third Monday in March and September at Clarksville.
8. Acts of 1843-44, Chapter 155, repealed all laws passed in that legislative session which changed the time for holding Chancery Court in Clarksville and Charlotte. The Courts would be held at the times previously set.
9. Acts of 1845-46, Chapter 168, directed the Chancellor of the Middle Division to hold the Chancery Courts at Clarksville and Charlotte and established the time for holding such courts as the last Thursday before the fourth Monday in April and October. Chancellors of the State were authorized to solemnize rites of matrimony
10. Acts of 1851-52, Chapter 178, changed the time for holding Chancery Court terms in Montgomery County to the first Thursday after the third Monday in April and October at Clarksville.
11. Acts of 1853-54, Chapter 55, provided that the Chancery Court would be held in Montgomery County at Clarksville on the third Monday in April and October.
12. Public Acts of 1857-58, Chapter 88, was a complete revision of the lower equity judicial system of the State. Montgomery County was assigned to the Middle Division along with the Counties of Marshall, Cheatham, Giles, Maury, Lewis, Williamson, Stewart, Davidson and Robertson. The court terms for Montgomery County would begin in Clarksville on the third Monday in April and October.
13. Private Acts of 1859-60, Chapter 14, created a new Seventh Chancery Division of Tennessee allocating to it the Counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart. The elected Chancellor would also have the jurisdiction of a Circuit Judge and would hold the Circuit Court of Sumner County. The Chancellor for the new Division would be elected at the next general election and would hold Court in Clarksville on the third Monday in April and October.
14. Public Acts of 1868-69, Chapter 18, reduced the number of counties in the Seventh Chancery Division and included in it the Counties of Montgomery, Sumner, Robertson, Stewart, Macon, and Jackson. The act changed the Court terms for some Counties but Montgomery County remained as it was, on the third Monday of April and October.
15. Public Acts of 1869-70 (2nd Sess.), Chapter 32, organized the State into twelve Chancery Districts. The Sixth District was made up of the Counties of Wilson, Sumner, Robertson, Stewart, Cheatham, and Trousdale.
16. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the opening dates for the terms of the Chancery Court in every county in the State. In Montgomery County, the Chancery Court would begin its terms on the fourth Monday in February and the first Monday in July.
17. Public Acts of 1873, Chapter 12, rescheduled the terms of the Chancery Courts in the sixth Chancery Division which contained the Counties of Houston, Cheatham, Stewart, Trousdale, Robertson, Wilson, Montgomery, and Sumner. The Chancery Court for Montgomery County would start its terms on the fourth Monday in April and the first Monday in November.
18. Public Acts of 1877, Chapter 47, rearranged the opening dates of the Chancery Court terms in the Sixth Chancery Division. The Chancery Court at Clarksville would start on the first Monday in February and July.
19. Public Acts of 1879, Chapter 36, changed some of the Chancery Court terms in the Sixth Chancery Division but did not change Montgomery County's terms.
20. Public Acts of 1883, Chapter 21, reset the terms of the Chancery Court in the counties of the Sixth Chancery Division. The Division contained the Counties of Trousdale, Stewart, Houston, Montgomery, Wilson, Cheatham, Robertson, and Sumner. Chancery Court would meet at Clarksville on the third Monday in April and the first Monday in October.
21. Acts of 1885 (Ex. Sess.), Chapter 20, was a major reorganization of the lower Court System of the State. Eleven Chancery Divisions were formed and the Eighth Chancery Division was composed of the Counties of Sumner, Wilson, Robertson, Stewart, Houston, Cheatham, Humphreys, and Trousdale. The Montgomery County Chancery Court would convene on the third Monday in April and first Monday in October. This Act, and nearly every other organizational and jurisdictional Act, was part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
22. Public Acts of 1895, Chapter 13, detached Montgomery County from the Eighth Chancery Division and provided that the Judge of the County and Criminal Courts would hold the Chancery Court at no extra compensation.

23. Public Acts of 1899, Chapter 302, repealed Public Acts of 1895, Chapter 13.
24. Public Acts of 1899, Chapter 427, completely revised the lower judicial system of Tennessee, dividing the State into ten Chancery Divisions. The Sixth Chancery Division had in it the Counties of Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson. Chancery Court in Montgomery County would start on the first Monday in February and September.
25. Acts of 1905, Chapter 286, changed the times for some of the Court dates in the Sixth Chancery Division but did not alter Montgomery County's. Hickman, Robertson, Cheatham, Wilson, Dickson, Sumner, Humphreys, Stewart, and Henry Counties were the other Counties in the Division.
26. Private Acts of 1919, Chapter 455, again changed the schedule of Chancery Court terms in the Sixth Chancery Division but Montgomery County retained the schedule of the first Monday in February and September.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a total revision of the lower court structure of the State. The act was the last act of this nature appearing in the volumes of private acts. Later acts became a part of the Tennessee Code Annotated. Fourteen Chancery Divisions were organized in the State. The Sixth Division contained the Counties of Montgomery, Robertson, Hickman, Cheatham, Stewart, Houston, Dickson, Humphreys, Wilson, and Sumner. The times for Court terms in Montgomery County remained the same.

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

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

1. Acts of 1796, Chapter 21, set forth the procedure for the reconstruction of legal documents destroyed by fire in 1795 in the office of the Clerk of the Chancery Court for the Mero District.
2. Public Acts of 1821, Chapter 20, amended Acts of 1796, Chapter 21, by authorizing the filing of affidavits to replace documents destroyed in the fire of 1795 in the Mero District Chancery Clerk's office.
3. Private Acts of 1919, Chapter 274, declared that females, married or single, over the age of twenty-one years and resident in Montgomery County, were eligible for appointment as deputy in the offices of Register of Deeds, Trustee, and Clerk and Master of Montgomery County.
4. Private Acts of 1931, Chapter 404, set the salary for the Montgomery County Clerk and Master at \$1,500 per year. All fees received by the office would become County property with the exception of fees received by the Clerk and Master for services as a Court-appointed receiver and commissions received on the sale of real estate ordered by the Court.
5. Private Acts of 1935, Chapter 812, set the annual compensation of the Montgomery County Clerk and Master at \$2,000. Fees and commissions received by the office in excess of that amount were to be turned into the County Treasury. In the event such fees and commissions amounted to less than \$2,000 then the annual compensation would be the lesser amount and no more.
6. Private Acts of 1935 (Ex. Sess.), Chapter 70, set the compensation of the Clerk and Master at \$1,500 annually, payable monthly out of County funds.
7. Private Acts of 1951, Chapter 21, repealed Private Acts of 1931, Chapter 404.
8. Private Acts of 1951, Chapter 22, set the salary of the Clerk and Master at \$3000 per year, payable monthly out of County funds. All fees, other than those expressly exempted or already earned before the passage of the act, became the property of the County.
9. Private Acts of 1953, Chapter 70, repealed Private Acts of 1951, Chapter 22.
10. Private Acts of 1953, Chapter 71, fixed the salary of the Clerk and Master at \$3,000 annually, payable monthly. All fees, compensations and emoluments earned by the Clerk and Master would be retained as additional compensation.

### **Circuit Court**

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

1. Acts of 1796, Chapter 21, set forth the procedure for the reconstruction of legal documents destroyed by fire in 1795 in the office of the Clerk of the Chancery Court for the Mero District.
2. Public Acts of 1821, Chapter 20, amended Acts of 1796, Chapter 21, by authorizing the filing of affidavits to replace documents destroyed in the fire of 1795 in the Mero District Chancery Clerk's office.

3. Private Acts of 1919, Chapter 274, declared that females, married or single, over the age of twenty-one years and resident in Montgomery County, were eligible for appointment as deputy in the offices of Register of Deeds, Trustee, and Clerk and Master of Montgomery County.
4. Private Acts of 1931, Chapter 404, set the salary for the Montgomery County Clerk and Master at \$1,500 per year. All fees received by the office would become County property with the exception of fees received by the Clerk and Master for services as a Court-appointed receiver and commissions received on the sale of real estate ordered by the Court.
5. Private Acts of 1935, Chapter 812, set the annual compensation of the Montgomery County Clerk and Master at \$2,000. Fees and commissions received by the office in excess of that amount were to be turned into the County Treasury. In the event such fees and commissions amounted to less than \$2,000 then the annual compensation would be the lesser amount and no more.
6. Private Acts of 1935 (Ex. Sess.), Chapter 70, set the compensation of the Clerk and Master at \$1,500 annually, payable monthly out of County funds.
7. Private Acts of 1951, Chapter 21, repealed Private Acts of 1931, Chapter 404.
8. Private Acts of 1951, Chapter 22, set the salary of the Clerk and Master at \$3000 per year, payable monthly out of County funds. All fees, other than those expressly exempted or already earned before the passage of the act, became the property of the County.
9. Private Acts of 1953, Chapter 70, repealed Private Acts of 1951, Chapter 22.
10. Private Acts of 1953, Chapter 71, fixed the salary of the Clerk and Master at \$3,000 annually, payable monthly. All fees, compensations and emoluments earned by the Clerk and Master would be retained as additional compensation.

### **Circuit Court - Clerk**

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

1. Public Acts of 1897, Chapter 124, established the salary of several county officials across the state according to county population. The salary of the Circuit Court Clerk of Montgomery County was \$1,500 annually.
2. Acts of 1901, Chapter 396, created a Criminal Court in Montgomery County. The Circuit Court Clerk would serve as the Clerk of the Criminal Court.
3. Acts of 1903, Chapter 69, amended Acts of 1901, Chapter 396, by establishing the salary of the Assistant Attorney General and by declaring that the Circuit Court Clerk and the Sheriff would not be required to post an additional bond on account of their duties regarding the Criminal Court.
4. Private Acts of 1919, Chapter 274, declared that females, married or single, over the age of twenty-one years, and resident in Montgomery County, were eligible for appointment as deputy in the offices of Register of Deeds, Circuit Court Clerk, Trustee, and Clerk and Master of Montgomery County.
5. Private Acts of 1933, Chapter 601, established the annual salary of the Montgomery County Circuit Court Clerk serving in the dual capacity as Clerk for the Circuit and Criminal Courts at \$3,600. All fees, commissions, and emoluments received by the Clerk for services were to be turned over to the public treasury and if they amounted to less than \$3,600 then the Clerk's compensation would equal the lesser amount.
6. Private Acts of 1935, Chapter 812, fixed the salaries of several County officials in Montgomery County. The fees, costs, and commissions collected by the officer were to be turned over to the County Treasury and if they amounted to less than the stated salary then the compensation of the respective offices would equal the lesser amount. The salary of the Circuit Court Clerk was \$2,000.
7. Private Acts of 1951, Chapter 23, authorized the Circuit Court Clerk of Montgomery county to employ a clerk or stenographer to assist him in the duties of his office at a salary of \$125 per month to be paid from County funds.
8. Private Acts of 1957, Chapter 156, authorized the Circuit Court Clerk to employ two clerks or stenographers to assist him in the duties of his office at \$175 per month, each, to be paid out of the general funds of the County.
9. Private Acts of 1959, Chapter 281, amended Private Acts of 1957, Chapter 156, by raising the salary of the clerks or stenographers employed by the Circuit Court Clerk to \$225, each, per month, payable out of general funds.

10. Private Acts of 1965, Chapter 270, amended Private Acts of 1959, Chapter 281, by raising the salary of two clerks or stenographers employed by the circuit court clerk one at \$250 per month and one at \$275 per month.

### **Criminal Court**

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

1. Acts of 1841-42, Chapter 27, set the second Monday in January as the day the criminal cases would be heard in Circuit Court in Montgomery County. All civil cases then pending in Circuit Court would be adjourned over until the first Monday in March, the date for beginning the first of three regular terms of Court.
2. Acts of 1847-48, Chapter 171, created a Criminal Court for Montgomery, Rutherford, and Wilson Counties, to be held at Nashville, Clarksville, Murfreesboro, and Lebanon, which would be presided over by the Criminal Court Judge of Davidson County. Each court would be held three times a year. The Circuit Courts in the three affected Counties would retain criminal jurisdiction so far as to empanel a grand jury at the regular terms of Court for the finding of bills of indictment and presentments.
3. Acts of 1853-54, Chapter 55, provided that after the next term of the Criminal Court in Montgomery County, the Court would be held on the first Monday of January, May and September.
4. Acts of 1855-56, Chapter 158, provided that the Circuit Court for Sumner County would be transferred to and held by the Judge of the Criminal Court of Rutherford, Davidson, and Montgomery Counties.
5. Public Acts of 1857-58, Chapter 98, provided that the Criminal Districts of Davidson, Rutherford, and Montgomery would hold three terms of court in each year at Nashville, Clarksville, and Murfreesboro.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 115, established a Criminal Court for Montgomery County to be held in Clarksville. The Court was vested with the same jurisdiction then held by the Circuit Courts of the State for the trial and presentment of crimes and offenses against the State occurring within Montgomery County, and to the exclusion of the Circuit Court. The Circuit Court Clerk would be the Clerk for the new Court and the Sheriff would perform all duties then required relating to criminal cases in the Circuit Court. Terms of Court would begin on the first Wednesday of each month. The Judge of the County Court would be the Criminal Court Judge and the act conferred upon the Judge all the powers and jurisdiction of a Circuit Judge and the Judge would receive the same compensation as did Circuit Judges, payable from the County Treasury.
7. Public Acts of 1870-71, Chapter 63, amended Public Acts of 1869-70 (2nd Sess.), Chapter 115, above, the act creating the Criminal Court for Montgomery County, by providing for four terms of Court beginning on the fourth Monday in January and the Fourth Monday in April, the second Monday in August and the second Monday in November, and authorized special terms of Court within the discretion of the Judge of the Criminal Court.
8. Public Acts of 1873, Chapter 53, fixed the salary of the Judge of the Criminal Court for Montgomery County at \$1,800 per year, payable from the State Treasury.
9. Acts of 1885 (Ex. Sess.), Chapter 20, amended Public Acts of 1873, Chapter 53, to set the salary of the Criminal Court Judge at \$1250 annually.
10. Public Acts of 1895, Chapter 13, provided that the Judge of the County and Criminal Court would also hold the Chancery Court for Montgomery County which was detached from the Eighth Chancery District.
11. Public Acts of 1899, Chapter 302, repealed Public Acts of 1869-70 (2nd Sess.), Chapter 115, and Public Acts of 1895, Chapter 13.
12. Public Acts of 1899, Chapter 409, directed that the Criminal jurisdiction of Montgomery County be conferred upon the Circuit Court to be exercised by the Judge of that Court at the times then specified by law.
13. Acts of 1901, Chapter 396, established a Criminal Court for Montgomery County to be held at Clarksville and to have all the jurisdiction then conferred upon the Circuit Court in the presentment and trial of offenses against the State, to the exclusion of the Circuit Court. The Clerk of the Circuit Court was designated to act also as the Clerk of the Criminal Court. The Judge of the County Court was to be the Judge of the Criminal Court and the terms of the new Court would be held on the first Monday in February, June and November, and the third Monday in

August. The County Judge's salary was fixed at \$2,500 and he would receive no further compensation for holding Criminal Court.

14. Acts of 1909, Chapter 579, amended Private Acts of 1901, Chapter 396, by providing that the Criminal Court Judge would be paid a salary equal to that of Circuit Judges and Chancellors in the State, to be paid one-half from Montgomery County funds and one-half from State funds.
15. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, provided that the Criminal Court in Montgomery County would be held on the first Monday in February, June, and November and on the third Monday in August.
16. Private Acts of 1933, Chapter 601, established the annual salary of the Montgomery County Circuit Court Clerks serving in the dual capacity as Clerk for the Circuit and Criminal Courts at \$3,600. All fees, commissions, and emoluments received by the Clerk for services were to be turned over to the public treasury and if they amounted to less than \$3600 then the Clerks compensation would equal the lesser amount.
17. Private Acts of 1935, Chapter 812, set the salary of the Montgomery County Clerk of the Circuit and Criminal Courts at \$2,000. All fees, costs, and commissions collected by the office of Register would be turned in to the public County treasury and in the event they amounted to less than \$2,000, then the lesser amount would be the compensation of the Clerk.
18. Public Acts of 1973, Chapter 198, amended Acts of 1901, Chapter 396, by deleting the section which established the County Judge as the Judge of the Criminal Court, and by designating the Judge of the Law and Equity Court of Montgomery County as the Judge of the Criminal Court and conferring on such Judge all power and jurisdiction necessary to discharge his duties.
19. Public Acts of 1975, Chapter 15, set the time for holding Criminal Court in Montgomery County as the third Monday in February, May, August, and November.
20. Public Acts of 1980, Chapter 557, set the time for holding Criminal Court as the third Monday in February, May, August, and November and further stated that Criminal Court may be held at any time. Civil cases were to be given priority by the Law and Equity Court, which held Criminal Court, during the terms fixed for the hearing of such civil cases.

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

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

1. Acts of 1817, Chapter 65, set up ten Solicitorial Districts in Tennessee and assigned the Counties of Montgomery, Robertson, Dickson, Stewart, and Humphreys to the Tenth Solicitorial District.
2. Public Acts of 1835-36, Chapter 28, enacted immediately after the 1835 Constitution was adopted, made each Solicitorial District coincide with each Judicial Circuit having criminal jurisdiction.
3. Public Acts of 1899, Chapter 199, abolished the office of Attorney General for Montgomery County and removed the incumbent from office. His duties were to devolve upon and be performed by the Attorney General of the Tenth Judicial Circuit.
4. Acts of 1901, Chapter 396, created a Criminal Court for Montgomery County and declared that the Attorney General for the Tenth Judicial Circuit would continue to act as Attorney General for Montgomery County and that the Criminal Court Judge would appoint an Assistant Attorney General for the County for a limited term. After September 1, 1902, the Attorney General for the Judicial Circuit embracing Montgomery County would appoint an Assistant. The salary of the Assistant would be \$800 per year paid from fines and forfeitures assessed against defendants in Criminal Court.
5. Acts of 1903, Chapter 69, amended Acts of 1901, Chapter 396, by fixing the annual salary of the Assistant Attorney General for Montgomery County at \$800 to be paid from the State Treasury.
6. Acts of 1909, Chapter 459, amended Private Acts of 1903, Chapter 69, by increasing the salary of the Assistant Attorney General from \$800 to \$1,500, annually.
7. Private Acts of 1919, Chapter 267, created the office of Attorney General for the Criminal Court of Montgomery County. The Attorney General would be elected for eight-year terms. The annual salary was set at \$2,500 to be paid equally from the state treasury and the County Treasury.
8. Private Acts of 1919, Chapter 506, amended Private Acts of 1919, Chapter 267, and required the Attorney General for the Criminal Court to perform all the duties ordinarily required of a County Attorney or those imposed upon him by the Quarterly Court in addition to his duties as Attorney

General. No further compensation was allowed.

9. Private Acts of 1925, Chapter 680, amended Private Acts of 1919, Chapter 267, above, by raising the salary of the Attorney General for the Criminal Court of Montgomery County from \$2,500 to \$3,000, one-half to be paid by the State and one-half by the County.
10. Private Acts of 1947, Chapter 630, increased the annual salary of the Attorney General for the Criminal Court of Montgomery County to \$4,000.
11. Public Acts of 1959, Chapter 283, authorized the Attorney General for the Criminal Court to hire a secretary at the annual salary of \$2,400 to perform general secretarial duties as determined by the Attorney General.
12. Public Acts of 1963, Chapter 358, authorized the Attorney General for the Ninth Judicial Circuit to appoint an Assistant to serve at the pleasure of and perform the duties required by the said Attorney General.
13. Public Acts of 1970, Chapter 605, created the office of Criminal Investigator for the Montgomery County District Attorney Judicial District. The District Attorney General would appoint a suitable person to serve at the will of the Attorney General but who would have the powers and authority of a deputy sheriff. The duty of the Criminal Investigator was to investigate crimes, assist in the trial of cases, and perform other assigned tasks.
14. Public Acts of 1972, Chapter 509, amended Public Acts of 1959, Chapter 283, by raising the annual salary of the secretary from \$2,400 to \$4,800.
15. Public Acts of 1972, Chapter 777, created the office of Assistant District Attorney General for the Montgomery County District Attorney Judicial Circuit. The District Attorney General serving Montgomery County would fill the office by appointment and the person appointed would serve at the pleasure of the said District Attorney General.
16. Public Acts of 1973, Chapter 198, amended Acts of 1901, Chapter 396, by declaring that the Attorney General for Montgomery County would continue to act as Attorney General for the County.
17. Public Acts of 1974, Chapter 517, amended Public Acts of 1959, Chapter 283, by providing an annual salary of \$5,400 for the position of secretary.
18. Public Acts 1976, Chapter 522, repealed Public Acts of 1970, Chapter 605, and created an additional position of Assistant District Attorney General for Montgomery County.

### **General Sessions**

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

1. Private Acts of 1937, Chapter 113, created the Court of General Sessions of Montgomery County and vested in it the jurisdiction then held by the Justices of the Peace in criminal and civil cases. The authority of the Justices as members of the Quarterly Court was not affected. The Judge of the Court would be elected for eight year terms and would receive compensation of \$1,800 per year. The Clerk of the Criminal and Circuit Courts would act as Clerk and be paid \$300 per year for so acting.
2. Private Acts of 1937, Chapter 761, amended Private Acts of 1937, Chapter 113, above, by increasing the salary of the Clerk of the General Sessions Court from \$300 to \$600 annually.
3. Private Acts of 1943, Chapter 320, increased the salary of the Clerk of the General Sessions Court to \$900 annually.
4. Private Acts of 1947, Chapter 673, increased the salary of the General Sessions Court Judge from \$1,800 and \$2,400 annually, and increased the compensation of the Clerk from \$900 to \$1,200 annually.
5. Private Acts of 1951, Chapter 24, increased the annual salary of the General Session Court Judges to \$3,600.
6. Private Acts of 1951, Chapter 589, amended Private Acts of 1937, Chapter 113, above, by requiring the plaintiff in a civil action commenced in the General Sessions Court to pay fees in advance but allowed paupers to proceed by taking the oath provided in Section 9080 of the 1932 Code of Tennessee.
7. Private Acts of 1951, Chapter 590, increased the annual compensation of the Clerk of the General Sessions Court to \$1,800.



### **Juvenile Court**

The following acts once affecting juvenile courts in Montgomery County are included herein for reference purposes.

1. Public Acts of 1983, Chapter 92, vested jurisdiction in the Montgomery County Juvenile Court over cases arising under the Uniform Reciprocal Enforcement of Support Act in addition to the concurrent jurisdiction then held by the Circuit and Criminal Courts.
2. Private Acts of 1988, Chapter 182, amended Private Acts of 1981, Chapter 106, and Private Acts of 1961, Chapter 276, to vest concurrent probate jurisdiction in the chancery court and the court exercising juvenile jurisdiction. The act did not receive local approval and therefore did not become law.

### **Probate Court**

The following acts once affecting probate courts in Montgomery County are included herein for reference purposes

1. Private Acts of 1967-68, Chapter 168, created a Probate Court for Montgomery County and vested in it concurrent jurisdiction with the County Court in all matters of probate and administration of estates. The Judge of the General Sessions Court would serve as the Judge of the Probate Court and the County Court Clerk would act as the Clerk. The act was not approved locally and therefore it did not become law.
2. Private Acts of 1969, Chapter 23, created a Probate Court with concurrent jurisdiction with the County Court in matters of probate and administration of estates. The salary of the Judge of the Probate Court would be \$3,000 per year. The Judge of General Sessions Court would be Judge of the Probate Court. The County Court Clerk would be the Clerk. The act was not approved by local authorities and did not become law.
3. Private Acts of 1969, Chapter 107, is an act identical with the two acts summarized above, except the salary of the Judge of the Court was set at \$2,000 per year. This Act was not approved by the Quarterly County Court of the County and therefore did not become effective.
4. Private Acts of 1972, Chapter 249, created a Probate Court and vested it with concurrent jurisdiction with the County Court regarding matters of probate and administration of estates. The Judge of the Court of General Sessions would be the Judge of the Probate Court and receive a salary of \$4,000 per year. The County Court Clerk would act as Clerk.
5. Private Acts of 1988, Chapter 182, amended Private Acts of 1981, Chapter 106, and Private Acts of 1961, Chapter 276, to vest concurrent probate jurisdiction in the chancery court and the court exercising juvenile jurisdiction. The act did not receive local approval and therefore did not become law.

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