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Private Acts of 1953 Chapter 232

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

Sincerely,

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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.

Private Acts of 1957, Chapter 157

As amended by:

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 County, 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.

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