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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 1941 Chapter 50

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

The Court of General Sessions of Madison County shall consist of two divisions. One such division shall be designated as "Division I" and the other division shall be designated as "Division II." There shall be two full-time judges of the court. One such judge shall preside over Division I, and the other such judge shall preside over Division II.

Court rooms and adequate facilities for the court and its judges shall be provided in the court house at Jackson or elsewhere in the city of Jackson; and it shall be the duty of the county executive to make provisions therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of the court. The expenses of the court shall be paid from the general fund of the county.

As amended by: Private Acts of 1982, Chapter 243

SECTION 2. That the Court of General Sessions of Madison County is hereby vested with all jurisdiction and shall exercise the authority conferred by general law upon courts of general sessions in civil and criminal cases. The court shall also be vested with all jurisdiction, powers, duties, and authority relating to the probate of wills and the administration of estates and related matters. The court shall also be vested with all juvenile jurisdiction, and related powers, duties, and authority previously vested in the county judge or in any other local official pursuant to the provisions of any general or local act.

The court of general sessions is hereby expressly vested with the following jurisdiction and power: the power to appoint and remove conservators; the appointment and removal of guardians for minors and persons of unsound mind, and under the Uniform Guardianship Law and all controversies as to the rights of guardianships, and conservatorships and the settlement of conservator and guardian accounts; to have concurrent jurisdiction with chancery court to order the sale of personal or real property by guardians or conservators in the estates of minors, and incompetents and to order changing of names; and to have concurrent jurisdiction with the chancery court in the administration of insolvent estates and to authorize and approve the sale of real and personal property in order to pay debts and claims against decedent's estates.

The Court of General Sessions has concurrent jurisdiction with the Chancery Court of proceedings to set up lost wills; of proceedings for the construction of wills; of proceedings in all other cases involving probate jurisdiction not specifically set out in this act; and proceedings involving the partition and sale of real property. The Rules of Civil Procedure shall apply to all such proceedings.

The court of appeals shall have jurisdiction of all appeals from the decisions of the General Sessions Court, Division II (Probate Division) relative to probate matters and the matters above set out.

Civil and criminal cases and related matters within the general jurisdiction of the courts of general sessions of the state shall be tried or heard in Division I. Juvenile and Probate cases and related matters shall be tried or heard in Division II. Provided, however, nothing contained within the provisions of this act shall be construed to prohibit either of the judges of the court from hearing cases in either of the divisions of the court at the designation of the presiding judge. The Court of General Sessions is hereby vested with concurrent jurisdiction with trial courts of record to grant fiats for the issuance of restraining orders, injunctions, and attachment.

As amended by: Private Acts of 1982, Chapter 243

Private Acts of 1986, Chapter 156

Private Acts of 1989, Chapter 101

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 for the issuance of the warrant or writ, rendition of the judgment, 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 the clerk the fees 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 services 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, the 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, who shall take and subscribe to the oath provided for poor persons, under Tennessee Code Annotated, Section 20-12-127.

As amended by: Private Acts of 1982, Chapter 243

SECTION 4. [Deleted by Private Acts of 1982, Chapter 243]

SECTION 5. [Deleted by Private Acts of 1982, Chapter 243]

SECTION 6. That the Court of General Sessions for Madison County, Tennessee is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such court may be appealed to the Circuit Court of Madison County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

SECTION 7. That it shall be the 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 courts may proceed to hear and determine said case as is provided in Section 6 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads _____ guilty to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a Jury of his peers. _____ **SECTION 8.** [Deleted by Private Acts of 1982, Chapter 243]

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

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

SECTION 11. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his deputies, constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 12. That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the Civil Docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his deputies, constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for 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, and shall also contain the information provided for in Section 9 of this Act.

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

SECTION 13. Both of the judges of the Court of General Sessions shall possess the qualifications and shall serve the same term of office as provided by the Constitution of the State of Tennessee, and by general law, for judges of Circuit and Chancery Courts. The oath of office shall be the same as that prescribed for trial judges of courts of record. The judge presiding over Division I shall be the presiding judge of the Court of General Sessions of Madison County, Tennessee for the one year period beginning on September 1, 1982. Thereafter, the office of presiding judge of the court shall annually alternate between the judges of the two divisions with each such term of office as presiding judge of the court to begin on September 1.

The presiding judge of the court shall be responsible for the general oversight and administration of the court. He shall be responsible for scheduling the work assignments of the judges and for coordinating such interchange between the judges as may be necessitated by the volume of the case load in either or both of the divisions or by the sickness or absence of either of the judges. The presiding judge shall exercise such other administrative duties as may be appropriate and necessary for the orderly and efficient operation of the court.

In the event of the unavailability of the presiding judge at a time when an administrative action is required, the other judge of the court shall be authorized to take such action.

As amended by: Private Acts of 1982, Chapter 243

SECTION 14. That the compensation for each of the judges of the court of general sessions shall be forty-two thousand dollars (\$42,000.00) per annum and shall be paid in equal monthly installments from the general fund of the county. Such compensation shall be adjusted each year in accordance with the formula established by general law for determining annual salary adjustments for judges of trial courts. In addition, the county legislative body may provide such secretarial, office, and other expense allowances for the judges as is deemed necessary and proper.

As amended by: Private Acts of 1982, Chapter 243

SECTION 15. That the judges of the Court of General Sessions shall be elected by the qualified voters of Madison County at the regular August General Election of 1982, and every eight years thereafter, and shall take office on September 1, 1982. In the 1982 election, and in each succeeding election, the candidates for judge of the court shall designate and qualify to run either for Judge of the Court of General Sessions, Division I or for Judge of the Court of General Sessions, Division II. During no election shall any candidate designate and qualify to run for judge of Division I and for judge of Division II.

As amended by: Private Acts of 1982, Chapter 243

SECTION 16. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to 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 have the same authority as a regular judge to hold the court for the occasion, and the County Judge or Circuit Judges or Chancellor shall preside by interchange.

SECTION 17. That the Clerk of the Circuit Court of Madison County, Tennessee, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Madison County, Tennessee". Said Clerk is hereby authorized to perform the duties of said Court. The fees, commissions and emoluments of said Clerk of Court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of Madison County, Tennessee, subject to the provisions of Section 11 of this Act. Said clerk, with the approval of the Judge of the Court of General Sessions, may appoint such deputies and assistants as may be necessary for the proper operation and administration of the duties of said office, who shall be compensated in the same manner as now provided for the compensation of deputy Circuit Court Clerks of Madison County as provided by law.

The Clerk of said Court and his deputies assigned thereto shall have concurrent authority with the Judge to issue warrants and other process and writs, other than those which the law required shall be issued only by a judicial officer.

The County Clerk of Madison County shall act as Clerk of the Court of General Sessions for all matters involving probate cases and proceedings. The Juvenile Court Clerk of Madison County shall act as Clerk of the Court of General Sessions for all matters involving juvenile cases and proceedings. The fees, commissions, emoluments, duties, authority and responsibilities of the clerks of the Court of General Sessions shall be the same as provided by general law for a clerk of a Court of General Sessions, a clerk of a Juvenile Court, and a clerk of a Probate Court.

Nothing contained in this Act shall be construed to affect or alter the duties, responsibilities, fees, and jurisdictions of the office of clerk of the Probate, Juvenile, or General Sessions Courts of Madison County. The County Clerk shall continue to serve as clerk for all Probate matters. The Juvenile Court Clerk shall continue to serve as the clerk for all juvenile matters. The Circuit Court Clerk shall continue to serve as

clerk in all other matters within the jurisdiction of the General Sessions Court.

As amended by: Private Acts of 1982, Chapter 243.

SECTION 18. 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 19. [Deleted by Private Acts of 1983, Chapter 53]

SECTION 20. [Deleted by Private Acts of 1982, Chapter 243]

SECTION 21. [Deleted by Private Acts of 1982, Chapter 243]

SECTION 22. [Deleted by Private Acts of 1982, Chapter 243]

SECTION 23. That the Legislature expressly declares that each section, sub-section, 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.

SECTION 24. That all laws and parts of laws in conflict with this Act which apply to Madison County, Tennessee, be and the same are hereby repealed.

SECTION 25. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 23, 1941.

Juvenile Court

Clerk

Private Acts of 1990 Chapter 212

SECTION 1.

(a) There is created for Madison County an office to be known as the Madison County Juvenile Court Clerk. The Juvenile Court Clerk for Madison County shall be elected by the qualified voters of the county in the August, 1990, General Election and every four (4) years thereafter. Each candidate for the office shall be a resident of Madison County and shall possess the qualifications, powers, duties, and liabilities of the Juvenile Court Clerk as established in this act and by law for clerks of court and shall provide for child support offices for the court or courts having juvenile jurisdiction in Madison County, Tennessee.

(b) The term of office of the Juvenile Court Clerk shall be four (4) years, and until a successor is elected and qualified, with each term beginning on September 1 of the year of the election for a period of four (4) years, ending August 31. Any vacancy occurring in the office shall be filled as provided by law for other clerks of court.

(c) The Juvenile Court Clerk shall execute an official bond in the same amount and in the same manner as provided by law for clerks of circuit court, except that such bond shall be approved by a judge exercising juvenile court jurisdiction in Madison County. Such judge may require an additional bond of the Juvenile Court Clerk.

(d) The Juvenile Court Clerk shall be entitled to the same compensation as is provided by law for the circuit court clerk.

(e) The Juvenile Court Clerk shall be entitled to have the number of deputies and assistants established by using the procedure set forth in Tennessee Code Annotated, Title 8, Chapter 20, Part 1, except that a judge exercising juvenile court jurisdiction shall hear such petition and jurisdiction of such case shall be in juvenile court.

(f) The clerk shall be allowed to demand and receive those fees for services as prescribed by and set out in Tennessee Code Annotated, Title 8, Chapter 21, and such other fees as prescribed and authorized by law. Such monies derived from fees, fines and costs collected by the clerk shall be paid to the Madison County trustee or as otherwise designated by the county commission of Madison County.

SECTION 2. Prior to September 1, 1990, the clerk currently serving the juvenile court of Madison County shall transfer all files, records and other documents pertaining to juvenile matters in Madison County to the juvenile clerk elected pursuant to this act.

SECTION 3. 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 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Madison County by May 31, 1990. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall become 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 4.

Passed: April 11, 1990.

Juvenile Court Services

Private Acts of 1982 Chapter 309

SECTION 1. There is hereby created for the County of Madison an office to be known as the Madison County Office of Juvenile Court Services.

SECTION 2. It is the purpose of this act to:

- (a) Provide for supervision, care, and, when warranted, detention for those children who, as defined by the general laws of the State of Tennessee, are delinquent, unruly, dependent, neglected or abused. Such supervision and care may include preventive and protective services not prohibited by the laws of the State of Tennessee. Provision of such services shall be under the policies set forth by the County Commission of Madison County;
- (b) Provide for administration and management of a regional or national training center for professional workers of juvenile justice and other groups whenever funds are made available and such use of facilities is within policies as defined by the County Commission of Madison County;
- (c) Provide for the management of respective properties and buildings of the former Union University campus which are owned by Madison County and utilized for juvenile justice purposes under the policies set forth by the County Commission of Madison County.

As amended by: Private Acts of 1990, Chapter 217

SECTION 3. The Director of the Office of Juvenile Court Services shall be appointed by the County Commission of Madison County. Said appointment shall be made at the regular September, 1982, session of the County Commission of Madison County to serve a one (1) year term until September of 1983. The appointment made by the County Commission in September, 1983, shall be for a term of two (2) years from the date of appointment or until a successor qualifies for each succeeding odd number year. In the event of a vacancy before the expiration of the term, the vacancy shall be filled for the remainder of the original term only. In the event of an interim period of time after vacancy and before an appointment by the County Commission of Madison County, the county executive shall appoint an Acting Director of Juvenile Court Services to serve until a successor qualifies. It is the expressed intent of this act that the county executive at the time of the approval of this act shall appoint an Acting Director of Juvenile Court Services to serve until a Director of Juvenile Court Services qualifies as prescribed above.

SECTION 4. The qualifications of the Director of the Office of Juvenile Court Services would preferably include three (3) or more years of managerial experience in a related area of juvenile justice and a masters degree from an accredited college or university.

SECTION 5. The Director of the Office of Juvenile Court Services elected under the terms of this act shall serve at the pleasure of the County Commission and be subject to discharge with notice of thirty (30) days and a hearing before the said commission in regular or duly called special session.

SECTION 6. Management and service personnel shall be appointed and designated by the director of juvenile court services pursuant to the laws and regulations of Madison County. The financial officers shall be properly bonded for the faithful performance of their duties in the amount to be fixed by the county executive of Madison county.

As amended by: Private Acts of 1990, Chapter 217

COMPILER'S NOTE: Private Acts of 1990, Chapter 217 deleted Sections 7 and 8 of Private Acts of 1982, Chapter 309, and the Act renumbered the remaining sections.

SECTION 7. The County Commission of Madison County shall continue to have authority to appropriate

funds for said office and the budget, including revenues, expenditures and reserve accounts, shall be designated within the Juvenile Court Services fund budget as adopted annually. All revenues, expenditures and purchases shall be subject to adopted policies and procedures of the general fund budget.

As amended by: Private Acts of 1985, Chapter 44

SECTION 8. The Juvenile Court Services Office is hereby authorized to enter into contractual agreement [sic] subject to approval of the County Commission of Madison County with any other county or municipality for the provision of services which would entitle reimbursement from the respective county, municipality or the State of Tennessee.

SECTION 9. All other acts governing the organization and management of juvenile court service which are not in conflict with this act, shall remain in full force and effect, and all acts in conflict with this act be and the same are hereby repealed.

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 County Commission of Madison County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified by him to the Secretary of State.

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

Passed: April 8, 1982

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1911, Chapter 115, created a Board of Jury Commissioners for a number of counties including counties having a population of "not less than 39,500 nor more than 39,600...according to the Federal Census of 1910." This was intended to apply to Madison County but the population statistics were incorrect.
2. Private Acts of 1911, Chapter 502, created a Board of Jury Commissioners for Madison County. This act was repealed by Private Acts of 1915, Chapter 400.
3. Private Acts of 1937, Chapter 762, created a Board of Jury Commissioners in Madison County. This act was amended by Private Acts of 1953, Chapter 355, to change the time within which special jurors could be empaneled.
4. Private Acts of 1945, Chapter 277, set the compensation for jurors at \$3 per day.

Chancery Court

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

1. Public Acts of 1824, Chapter 14, provided that the Supreme Court Justices were to preside over a court of chancery in Jackson for "all the other counties" (which included Madison) west of the Tennessee River on the second Monday in April and October of each year.
2. Public Acts of 1827, Chapter 79, repealed prior laws granting original chancery jurisdiction to the judges of the Supreme Court of Errors and Appeals, and divided the state into two chancery divisions. Madison County was placed in the Western Division, composed of the courts at Franklin, Columbia, Charlotte, Jackson and Paris.
3. Public Acts of 1835-36, Chapter 4, divided Tennessee into three chancery divisions. Madison County was placed in the 5th district of the Western Division, with court to be held at Jackson on the second Mondays of March and September.
4. Acts of 1837-38, Chapter 14, placed the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll,

Benton, Perry, Henderson and Madison in the Western Division. Court was to be held at Huntingdon in Carroll County on the first Mondays in February and August. The chancery courts at Lexington, Paris, Jackson, Dresden, Trenton and Bolivar were abolished.

5. Acts of 1843-44, Chapter 182, gave the citizens of Madison County the right to file bills of chancery in either Brownsville or Huntingdon.
6. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.
7. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into 11 chancery divisions and placed Madison County in the 9th Chancery Division, along with Hardeman, McNairy, Chester, Crockett, Carroll, Henry and Henderson Counties.
8. Public Acts of 1899, Chapter 427, divided the state into 10 chancery divisions, placing Madison County in the 8th Chancery Division along with Henderson, Decatur, Hardin, Chester, Benton, McNairy, Crockett, Carroll, Henry and Perry Counties.
9. The time for holding chancery court was changed in Acts of 1851, Chapter 52; Public Acts of 1866-67, Chapter 33; Public Acts of 1870-71, Chapter 39; Acts of 1903, Chapter 36; Public Acts of 1931, Chapter 80, and Public Acts of 1931 (2nd Ex. Sess.), Chapter 38.

Circuit Court

The following acts were once applicable to the Circuit Court of Madison County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Public Acts of 1821, Chapter 42, placed Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry Counties in the 8th Judicial Circuit, and created the 14th Solicitorial District to be composed of Henderson, Madison and Shelby Counties.
2. The time for holding circuit court was changed by Public Acts of 1823, Chapter 41; Private Acts of 1824, Chapter 102; Private Acts of 1825, Chapter 318; Acts of 1837-38, Chapter 116; Acts of 1841-42, Chapter 1; Acts of 1845-46, Chapter 124; Acts of 1851-52, Chapter 52; Public Acts of 1865-66, Chapter 14; and Public Acts of 1965, Chapter 204.
3. Public Acts of 1875, Chapter 60, as amended by Public Acts of 1877, Chapter 136, established the Common Law and Chancery Court for Madison County, with the same jurisdiction as circuit and chancery courts of the state. The law side of the court was to hold three terms and the chancery side two terms each year at the courthouse in Jackson.
4. Public Acts of 1899, Chapter 409, split Madison County circuit court jurisdiction, placing civil jurisdiction in the 11th Judicial Circuit and criminal jurisdiction in the 18th Judicial Circuit.
5. Public Acts of 1899, Chapter 427, placed Madison County in the 12th Judicial Circuit and set the terms of court.
6. Acts of 1905, Chapter 57, removed Madison County civil jurisdiction from the 12th Circuit to the 16th Circuit, leaving criminal jurisdiction in the 12th Circuit.
7. Private Acts of 1929, Chapter 332, set fees for offices authorized to take depositions at \$1 for each deposition not exceeding 1,000 words and 10¢ for each additional 100 words.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Madison County criminal jurisdiction in the 12th Judicial Circuit and civil jurisdiction in the 16th Judicial Circuit.
9. Public Acts of 1974, Chapter 526, was a public act of local application which provided that the circuit court for the 12th Judicial Circuit (Henderson, Madison and Chester Counties) would be divided into two parts or divisions designated as Part I and Part II, with a Circuit Judge for each Part who could sit interchangeably in all counties. The judge with the most service seniority would serve as senior judge, and if both judges had equal service the judge who received the most votes in the last election would be senior judge. Circuit court in Madison County was scheduled on the first Mondays in January, May and September, and the third Mondays in February, June and October. This act was repealed by Public Acts of 1984, Chapter 931, except insofar as the act divided the court into Part I and Part II.

Circuit Court - Clerk

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

1. Private Acts of 1923, Chapter 463, provided that the compensation of the Circuit Court Clerk would be \$2,400 per year, payable in installments of \$800. This act was repealed by Private Acts of 1929, Chapter 454.
2. Private Acts of 1933, Chapter 601, set the compensation of Circuit and Criminal Court Clerks at \$3,600 per year. If the total of their fees, costs, or commissions was less than \$3,600, their compensation would be the total of such fees.

Criminal Court

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

1. Public Acts of 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, which included the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton. The Attorney General of the 11th Judicial Circuit would prosecute all cases in the name of the state, and the Circuit Court Clerk would serve as clerk of the criminal court. This act was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the dates for holding criminal court in the 11th Judicial Circuit. This act was repealed by Public Acts of 1899, Chapter 155.
3. Public Acts of 1899, Chapter 155, abolished the separate criminal courts in the 11th Judicial Circuit, repealing Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
4. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which previously had been given to the criminal courts of the 11th Judicial Circuit.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, set the dates for holding criminal court in Madison County on the first Mondays in January, May and September.
6. Private Acts of 1977, Chapter 118, would have created the Office of Public Defender of Chester, Henderson and Madison Counties, which composed the 12th Judicial Circuit. Although the act received local approval in Henderson County, it was not acted upon in Chester County and was disapproved by the Quarterly County Court in Madison County, and therefore never went into effect.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1899, Chapter 199, provided that the district attorney general for the 11th Judicial Circuit would be responsible for the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.
2. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, to specify that the district attorney for the 11th Judicial Circuit would attend to the circuit courts in Madison County which were held by the judge for the 18th Judicial Circuit, and to remove the district attorney's responsibility for Benton County.
3. Public Acts of 1974, Chapter 565, an uncodified public act of local application, authorized the District Attorney General of the 12th Judicial Circuit to appoint an additional assistant district attorney, whose duties included criminal investigation. This act has been superseded by general law found at T.C.A. § 16-2-506(26)(B).

General Sessions Court

The following acts once affected the General Sessions Court of Madison County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1943, Chapter 338, amended Private Acts of 1941, Chapter 50, to raise the salary of the General Sessions bailiff from \$1,200 to \$1,500 annually. This act was repealed by Private Acts of 1983, Chapter 53.
2. Private Acts of 1955, Chapter 181, increased the salary of the General Sessions Judge to \$6,500 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
3. Private Acts of 1971, Chapter 91, raised the bailiff's salary to \$5,400. This act was repealed by Private Acts of 1983, Chapter 53.
4. Private Acts of 1972, Chapter 387, raised the Judge's salary to \$18,000 per annum. This act was repealed by Private Acts of 1983, Chapter 53.
5. Private Acts of 1974, Chapter 188, would have amended the salary provisions of the General Sessions Judge to provide for adjustments based on the Consumer Price Index. This act was not

approved by the quarterly county court.

6. Private Acts of 1975, Chapter 92, raised the bailiff's salary to \$7,800. This act was repealed by Private Acts of 1983, Chapter 53.
7. Private Acts of 1978, Chapter 216, raised the bailiff's salary to \$8,500. This act was repealed by Private Acts of 1983, Chapter 53.
8. Private Acts of 1979, Chapter 106, raised the bailiff's salary to \$9,600. This act was repealed by Private Acts of 1983, Chapter 53.
9. Private Acts of 1980, Chapter 322, amended Private Acts of 1941, Chapter 50, to allow the county legislative body to make adjustments to the bailiff's salary, but not to reduce it below \$9,600. This act was repealed by Private Acts of 1983, Chapter 53.
10. Private Acts of 1982, Chapter 244, would have increased the salary of the General Sessions Judge to \$42,000. No action was taken by the county legislative body, and this act never went into effect.
11. Private Acts of 1982, Chapter 382, would have amended Private Acts of 1982, Chapter 244, to change the effective date, but no action was taken by the county legislative body.
12. Private Acts of 1983, Chapter 108, changed the effective date to July 1, 1983 of the amendments to Private Acts of 1941, Chapter 50, made by Private Acts of 1983, Chapter 53.

Juvenile Court

The following acts once affecting Juvenile Courts in Madison County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 243, amended general law to provide additional compensation for the judge presiding over cases involving dependent, neglected and delinquent children in Madison County.
2. Private Acts of 1957, Chapter 318, would have created the position of probation officer for the Juvenile Court of Madison County, but the act was not approved by the Quarterly County Court of Madison County and never became effective.
3. Private Acts of 1963, Chapter 286, created the Juvenile Court for Madison County. The General Sessions Judge would receive an additional \$1,800 annually for presiding over the Juvenile Court. This act was amended by Private Acts of 1982, Chapter 243, to retitle the court as Division II of General Sessions, with all jurisdiction over juvenile matters formerly vested in the County Judge. This act would have been amended by Private Acts of 1982, Chapter 233, to repeal the additional \$1,800 paid to the judge, but the act was not approved locally. Private Acts of 1963, Chapter 286, was repealed by Private Acts of 1983, Chapter 53.

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