

PRIVATE ACTS
OF
MONTGOMERY COUNTY, TENNESSEE

REVISED EDITION

COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
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PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Montgomery County will provide a useful reference for county administration in Montgomery County.

We are indebted to the Montgomery County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

HOW TO USE THE PRIVATE ACTS OF MONTGOMERY COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984; currently LexisNexis) it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

This compilation is updated through the 2013 session of the Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

AIRPORT

PRIVATE ACTS OF 1937

CHAPTER 766

SECTION 1. That Montgomery County, acting through its Quarterly County Court, is authorized and empowered to acquire land in that county for airport purposes, by deed, lease, gift or otherwise, and upon such terms and conditions as its Quarterly County Court may determine, and to keep and maintain such airport. That the Quarterly County Court of said county is hereby authorized and empowered to levy a tax to acquire and maintain said airport.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 21, 1937.

ADMINISTRATION

ALCOHOLIC BEVERAGES

PRIVATE ACTS OF 1949

CHAPTER 797

SECTION 1. That the County Court of Montgomery County, under the provisions of Section Nine of Article Eleven of the Constitution, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of not less than two-thirds of the total number of members thereof; a meeting for the purpose of using these powers may be called on notice given by the County Judge or three members of the County Court.

SECTION 2. That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be valid after three readings at intervals of not less than ten days of the ordinance; after the first reading and within the ensuing ten days publication of the action entered upon the minutes shall be made two times in a newspaper or newspapers of general circulation in said County; the second reading shall be at a regular or at an adjourned meeting, the date of which shall be fixed at the first reading, and the third reading shall be after a similar publication and at a regular or adjourned meeting, the data of which was so fixed; each publication notice shall be sufficient to inform the public as to the content of the ordinance and upon passage the ordinance shall be enrolled for public inspection in an indexed book in the office of the County Court Clerk, and all expense of publication and enrollment shall be paid by the County.

SECTION 3. That acting as herein set forth, said County Court may by ordinance: (sic) (1) provide for the taxation of advertisements of beer, ale or any beverage that contains alcohol, such tax to be based by classification on the size, visibility, number of hours used, position on any highway, tendency to obscure the vision of users of the highway, blinding effect, or effect on traffic safety of signs and signals to promote safety, location and character of the advertising, whether indoors or outdoors if visible from a public place, whether painted or lighted, moving or still, as set forth in said ordinance, provided, this shall not apply to advertisements in newspapers or periodicals; (2) provide for reports, methods, regulations for the collection of such taxes; (3) provide that a failure to comply shall be a misdemeanor and also that when any tax is not paid in accordance with such ordinance, the tax shall be triple that otherwise provided if the liability for payment has to be established by county authorities; (4) provide as a condition to enforcement that the net returns of revenue from advertisements within any municipal corporation shall be proportionately divided between the county and said municipal corporation, with an allowance of not more than twenty per cent (20%) of the gross returns to said County for administration.

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

Passed: April 13, 1949.

ADMINISTRATION

ALCOHOLIC BEVERAGES

PRIVATE ACTS OF 1949

CHAPTER 916

SECTION 1. That the County Court of Montgomery County, under the provisions of Section 9 of Article 11 of the Constitution, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the total number of members thereof; a meeting for the purpose of using these powers may be called on notice given by the County Judge or three members of the County Court.

SECTION 2. That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be valid after three readings at intervals of not less than ten days of the ordinance; after the first reading and within the ensuing ten days publication of the action entered upon the minutes shall be made two times in a newspaper or newspapers of general circulation in said county; the second reading shall be at a regular or at an adjourned meeting, the date of which shall be fixed at the first reading, and the third reading shall be after a similar publication and at a regular or an adjourned meeting, the date of which was so fixed; each publication notice shall be sufficient to inform the public as to the content of the ordinance and upon passage the ordinance shall be enrolled for public inspection in an indexed book in the office of the County Court Clerk, and all expenses of publication and enrollment shall be paid by the County.

SECTION 3. That acting as herein set forth said County Court may by ordinance: (1) regulate the sale of beer and ale, the places in which it may be consumed, the location and the hours and circumstances under which it may be sold and/or consumed, the disposition of containers and its transportation by retailers, and prohibit amusement devices, musical instruments, dancing facilities, chairs and tables, and require that the buildings in which beer is sold be so constructed as to facilitate regulation of operation, and be so located and arranged that side doors, back doors, closets, ante-rooms or other space may not be used to prevent or make difficult a brief inspection of the premises and fix the general location of the places of business, and (2) provide that any violation of such ordinance is a misdemeanor, and (3) provide that a third violation shall be a felony, and (4) provide that upon a second conviction of a misdemeanor any Court in the County may require that a bond to keep the peace, as provided for in the Code of Tennessee, may be required as a consideration to further operation by the offenders.

SECTION 4. That the provisions of this Act are hereby declared to be severable; and that if any section, provision, exception, sentence, clause, phrase, or part of this Act be held unconstitutional or void, the remainder of the Act shall continue in full force and effect, it being the Legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in the same.

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

Passed: April 15, 1949.

ADMINISTRATION

BOARD OF EQUALIZATION

PRIVATE ACTS OF 1949

CHAPTER 839

SECTION 1. That the compensation of the Equalization Board of Montgomery County be and the same is hereby fixed at Six Dollars per diem for the Chairman, Eight Dollars per diem for the Secretary, and Five Dollars per diem for the other members thereof.

SECTION 2. That said Board of Equalization of Montgomery County shall be authorized, in its discretion, to employ, from each Civil District and City Ward in said County, a person who is familiar with real estate values in said District or Ward, to assist and advise the Board in its work with reference to his particular District or Ward. The compensation of such assistants shall be Five Dollars per diem.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1949.

COMPILER'S NOTE: See T.C.A. 67-1-403, for provisions of general law in regard to compensation of the members of the Equalization Board.

ADMINISTRATION

BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

The following act once created a budgeting system for Montgomery County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1915, Chapter 167, provided that the County Judge and the Revenue Commissioners of Montgomery County must, each year, prepare a budget which set forth the purpose and estimated amount of expected yearly expenditures. The budget was to be filed with the Quarterly Court and upon review the Court would accept or amend the recommendation of a tax rate.

ADMINISTRATION

CARNIVAL, CIRCUS, STREET FAIRS

PRIVATE ACTS OF 1957

CHAPTER 155

SECTION 1. That all counties in this State having a population of not less than forty four thousand one hundred (44,100) and not more than forty four thousand two hundred (44,200) according to the Federal Census of 1950, or any subsequent census, shall prohibit any street fairs, carnivals, circuses and menageries operated in the open air or any tent from operating in said county for more than one day in any one week.

SECTION 2. That no tickets shall be sold for and no admission charge collected for any street fair, carnival, circus, menageries or any other show or exhibition connected with such fair, carnival, circus, or menageries between the hours of 10:00 P.M. and the following 10:00 A.M.

SECTION 3. That no street fair, carnival, circus, or menageries or any show or exhibition connected with such fair, carnival, circus, or menageries shall be operated between the hours of 10:30 P.M. and the following 10:00 A.M. and no customers or patrons shall be permitted to enter or to remain in any such fair, carnival, circus, or menageries or any show or exhibition being a part of or connected with any such fair, carnival, circus or menageries.

SECTION 4. That no barker, announcer or other person shall, between the hours of 10:00 P.M. and the following 10:00 A.M. endeavor in any way to persuade anyone to buy tickets for, or pay admission for or enter any part of any amusement or exhibition connected with any street fair, carnival, circus or menageries between 10:00 P.M. and the following 10:00 A.M. no performers or exhibitionists employed by or connected with any part of any exhibition or amusement connected with any such fair, carnival, circus, or menageries shall give a free exhibition or performance that might in any way indicate to the public what exhibitions or performances or exhibitors or performers might be seen in any amusement in any way connected with any such fair, carnival, circus or menageries.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

SECTION 6. That all laws and amendatory laws thereto in conflict with this Act be and the same are hereby repealed, that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 26, 1957.

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county mayor is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

ADMINISTRATION

COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined in accordance with T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-701.

The following acts once affected the office of county clerk in Montgomery County. They are included herein for historical purposes.

1. Private Acts of 1919, Chapter 274, declared that females, married or unmarried, over the age of twenty-one years, and resident in Montgomery County, were eligible for appointment as deputy County Court Clerk.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, authorized the County Court Clerk to appoint a Deputy County Clerk who would be empowered to do and perform all acts of the clerk and receive a salary of \$1,500 annually to be paid from the excess fees of the clerk's office. In the event the fees were insufficient to pay the Deputy's salary, the deficit would be paid from County funds.
3. Private Acts of 1933, Chapter 598, fixed the salary of the County Court Clerk of Montgomery County at an amount not to exceed \$3,600 annually if the fees of the office equaled or exceeded that amount. In the event the office did not receive fees equal to or in excess of that amount, then the clerk would receive as compensation the fees the office did receive. The clerk was required to keep accurate records and report to the Quarterly County Court.
4. Private Acts of 1935, Chapter 812, fixed the salary of the Clerk of County Court at \$3,000 annually.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 *et seq.* The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the quarterly court or the county legislative body of Montgomery County and are included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 39, regulated the times for holding the Courts of Pleas and Quarter Sessions in the counties making up the Mero District which were the Counties of Jackson, Smith, Wilson, Rutherford, Williamson, Davidson, Robertson, Montgomery, Stewart, Dickson, and Sumner. The court would meet in Montgomery County on the first Monday in March, June, September, and December.
2. Acts of 1804, Chapter 68, changed the time for County Court meetings in Montgomery County to the fourth Monday in March, June, September and December instead of the first Monday in those months.
3. Acts of 1806 (Ex. Sess.), Chapter 48, rescheduled the court terms for the County Court of the counties in the Mero District. Montgomery County's Court would meet on the second Monday in January, April, July, and October. The court would remain open for six judicial days.
4. Acts of 1807, Chapter 60, required the county court of every county on the second day of each term to determine on what day of the succeeding term the court would transact the county's business, and to direct the clerk of the court to post a notice of the opening date on the courthouse door as well as the day on which the state docket would be called.
5. Acts of 1809, Chapter 93, fixed the schedule of the opening dates for the terms of the Courts of Pleas and Quarter Sessions in most of the state's counties. Montgomery County's Court would continue to meet on the third Monday in January, April, July, and October.

6. Acts of 1817, Chapter 138, changed the opening dates for the terms of the County Court in Montgomery County to the third Monday in January, April, July, and October.
7. Private Acts of 1819, Chapter 154, permitted the County Court to hold its sessions for terms of two weeks.
8. Private of 1823, Chapter 197, was the authority for the Justices of the Peace in the Court of Pleas and Quarter Sessions in Montgomery County, on the first day of the first term of the year, to select three of its number to hold the Court for the rest of the year under the same rules as if all Justices were meeting.
9. Public Acts of 1827, Chapter 91, provided for the relief of those who had had judgments entered in their favor in the minute books of the County Court of Montgomery County, which books were accidentally burned. They could obtain a writ upon giving sworn testimony of details and obtain judgment for any unpaid amounts of the original judgment.
10. Public of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once each month and hold open until the business of the court was finished. Three of the Justices constituted a court to hear the probate of wills and related matters but no jury trials were allowed. The County Court had the further responsibility of selecting jurors for the courts and was granted the power to levy taxes in order to pay them, if necessary.
11. Public Acts of 1867-68, Chapter 65, created the Board of Commissioners for Montgomery County which would have three elected members. The Board would have all the powers and duties then vested in the Quarterly Court and the Magistrates then in office were relieved of all duties incident to their offices as members of the Quarterly Court. The Board would hold four sessions annually. The County Court Clerk would be Recorder for the Board.
12. Public Acts of 1869-70, Chapter 49, repealed Public Acts of 1867-68, Chapter 65, above, and thereby abolished all Boards of Commissioners and the act specifically revised all laws that had been repealed by the act of 1867-68, above.
13. Acts of 1909, Chapter 579, provided that the Judge of the Criminal Court and of the County Court would receive the same salary as the Circuit Judges and Chancellors, the County and the State each to pay one-half.
14. Private Acts of 1951, Chapter 283, set the compensation for Justices of the Peace of Montgomery County at \$5 per day, plus the mileage authorized by law, for their attendance at the County Quarterly Court.
15. Private Acts of 1955, Chapter 276, fixed the per diem at \$15 for Justices in attendance at the Quarterly County Court plus the mileage allowance as allowed by law.

ADMINISTRATION

COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

The references below are of acts which once applied to the office of county judge, or county executive in Montgomery County. They are included herein for historical purposes only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state to be filled by popular election for four year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of that Court were assigned to the County Judge who would preside over the sessions of the Quarterly Court. The jurisdiction of the County Court was specifically outlined in the Act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in this law.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, in its entirety, and restored all Quorum Courts to their former status.
3. Public Acts of 1857-58, Chapter 38, created the office of County Judge, to be filled by popular election for eight year terms. The first election was to take place on the first Saturday in March, 1858, under the same rules and laws as other elections were conducted. The Judge was to be learned in the law, sworn, and commissioned as other Judges and Chancellors. The Judge

would preside over the Quarterly Court as the Chairman, and the Quarterly Court would perform the duties of the Quorum Court, which was abolished. The Judge was also the accounting officer and general agent of the county being required to perform the duties specified for each.

4. Public Acts of 1873, Chapter 53, provided that the Judge of the County Court in Montgomery County, who also held the Criminal Court in Montgomery County and the Circuit Court in Houston County, would receive his \$1,800 annual salary out of the State treasury in the same manner as any other Judge.

5. Private Acts of 1973, Chapter 112, as amended by Private Acts of 1974, Chapter 340; Private Acts of 1981, Chapter 106 and Private Acts of 1982, Chapter 190, created the office of county judge to be elected by the qualified voters of Montgomery County for an eight (8) year term.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined in accordance with T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

The following acts once affected the office of county register in Montgomery County, but are no longer operative.

1. Public Acts of 1897, Chapter 124, established the salaries of several county officials statewide by population groups. The salary of the Register of Montgomery County would be \$1,000 annually. The act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900).
2. 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.
3. Private Acts of 1935, Chapter 812, set the salary of the Montgomery County Register of Deeds at \$3,000. 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 \$3,000, then the lesser amount would be the compensation of the Register.
4. Private Acts of 1953, Chapter 77, prohibited the Register of Montgomery County from recording any conveyance of real property, except mortgages and deeds of trust, without a stamp or notation showing that the conveyance documents had been presented to the Tax Assessor.

ADMINISTRATION

COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is determined in accordance with T.C.A. § 8-24-102.

The following acts once affected the office of county trustee in Montgomery County, but are no longer operative.

1. Public Acts of 1897, Chapter 124, established the salaries of several county officials statewide by population group. The salary of the Trustee of Montgomery County would be \$1,800 per year.
2. 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.
3. Private Acts of 1931, Chapter 213, authorized the Trustee of Montgomery County to release and cancel \$200,000 of the assessment for State and County taxes against the personal property of the Dunlop Milling Company, the same being to that extent excessive and erroneous.
4. Private Acts of 1931, Chapter 568, provided that the Trustee of Montgomery County would give one bond to the State for its benefit and another bond to the County for the County's benefit, the bonds to be in an amount equal to twenty-five percent of the taxes collected for the State and County by the Trustee during the preceding year.
5. Private Acts of 1933, Chapter 602, set the salary of the County Trustee at \$3,600 annually. All fees, costs, and commissions would be turned over to the County Treasury and if they amounted to less than \$3,600, then the Trustee's compensation would be equal to the said fees, costs, and commissions.
6. Private Acts of 1935, Chapter 812, fixed the salaries of several County officials in Montgomery County. The Trustee's salary was set at \$3,000 annually. All fees, costs, and commissions would be turned over to the County Treasury and if they amounted to less than \$3,000, then the Trustee's compensation would be equal to the said fees, costs, and commissions.

ADMINISTRATION

PORT AUTHORITY

PRIVATE ACTS OF 1967-68

CHAPTER 415

SECTION 1. That in order to facilitate transportation in the County of Montgomery, in the state of Tennessee, and to promote navigation on the Cumberland River and Barkley Lake, which join and traverse portions of said County; to facilitate the movement and transfer of people, goods and merchandise to, from and through the said County, to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said County, there is hereby established in Montgomery County, Tennessee, a Port Authority to be known as "The Montgomery County Port Authority", "The Port Authority", "The Port Authority Commissioners", for the purposes of (a) acquiring, constructing, operating and maintaining ports and navigation terminals on the Cumberland River and its tributaries and Barkley Lake, including docks, wharves, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Barkley Lake in their operation; and (c) acquiring, constructing, operating, and maintaining railroad, switchyards, concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided, except those regulated by the Tennessee Public Service Commission.

SECTION 2. That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. That the Port Authority shall consist of the Port Authority Commissioners, who shall be five in number, and such subordinate officers and employees may be selected by said Port Authority Commissioners, as hereinafter provided.

SECTION 4. That the said Port Authority Commissioners shall have power, and they are hereby authorized:

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Montgomery County, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment,

and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county, or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said County, which, in the judgment of the Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The Authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of Cumberland River and Barkley Lake in their operations.

(e) To make contracts and execute instruments containing such covenants, terms, and conditions, as, in the judgment of said Commissioners, may be necessary, proper or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purpose of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(f) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters, and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5. That except as otherwise expressly provided in this Act, the Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration

of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4(e) of this Act.

SECTION 6. That the Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of the County of Montgomery in the State of Tennessee, any land, easements, or rights of way in said County that, in the opinion of the Board of Commissioners and the County Court of Montgomery County, are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken by and in the name of the county containing said property, and the property shall thereafter be entrusted to said Authority, as the agent of the county, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Section 23-1401 through 23-1525, inclusive, of the Tennessee Code Annotated, or as the same may be hereafter amended, or other eminent domain laws of the State of Tennessee that may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the Court; provided, further, that where condemnation proceedings become necessary, the Court in which any such proceedings are filed shall, upon application by the Port Authority on behalf of the county taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the Court, in its discretion, may deem proper and just.

SECTION 7. That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the County of Montgomery, Tennessee, such property, and income therefrom, shall be exempted from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private corporation.

SECTION 8. That Montgomery County, The Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this Act.

SECTION 9. That the Board of Commissioners of The Port Authority shall consist of five members. All the initial members of the Board of Commissioners of The Port Authority shall be appointed by the County Judge and approved by a majority vote of the members of the County Court of Montgomery County on the second Monday of July, 1968, or as soon as practicable, and their respective terms of office shall be as follows: The term of office of the first member elected shall expire the second Monday of July, 1969; the term of office of the second member elected shall expire the second Monday of July, 1970, the term of office of the third member elected shall expire the second Monday of July, 1971; the term of office of the fourth member elected shall expire the second Monday of July, 1972; the term of office of the fifth member elected shall expire the second Monday of July, 1973.

The successors in office, for each of the respective five initial members of the Board of Commissioners of The Port Authority whose full terms of office have expired, shall be appointed

by the County Judge with the approval of the County Court of Montgomery County, Tennessee, for regular terms of office of five years each thereafter, whose respective terms of office shall expire on the second Monday of July of the respective years applicable. In the event of failure to elect a successor to any member of said Board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided. After serving a full five year term no Commissioner can be elected to succeed himself.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the County Court of Montgomery County.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court may elect him, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Court of Montgomery County shall not be eligible to serve as a member of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of Montgomery County.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by a vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall not affect their power and authority, so long as a quorum remains. Within thirty (30) days after their election as herein provided, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and a Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner of Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary-Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Court of Montgomery County.

SECTION 10. That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 11. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of the Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

SECTION 12. That the County of Montgomery in the State of Tennessee, shall have power and authority to issue and sell its bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The County of Montgomery, may in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds.

The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution of the County Court of said County. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates or interest, and may be hypothecated in such manner as said County Court may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said County Court, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semi-annually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Court may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable.

In case of the officers whose signatures or countersignatures appear on such bonds shall

cease to be such officers before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligations of the County of Montgomery, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of the Port Authority, it shall be the duty of the County Court of Montgomery County, to provide, by resolution, for the issuance of such bonds, as requested by the Port Authority Commissioners.

Prior to a vote by the County Court of Montgomery County authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Court, the Port Authority Commissioners shall prepare and submit to the County Court of said County of Montgomery a recommendation that bonds in a stated amount be issued hereunder, and the equal pro rate amount to be issued by said county, supported by a report on the need for, and projected use of the facilities for the financing of which such bond issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of Montgomery County, Tennessee, payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said County, it shall be the duty of the County Court of said County to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Court shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of the said County Court authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

SECTION 13. That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Court of Montgomery County shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act.

(a) To pledge the full faith and credit and unlimited taxing power of the said County to the punctual payment of the principal of and interest on such bonds.

(b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer,

lease or other disposition of any land or other facilities as provided for in this Act.

(c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.

(d) To provide for the replacement of lost, destroyed or mutilated bonds.

(e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.

(f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.

(g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default", and the terms and conditions upon which any or all of such bonds shall become or any be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To covenant as to the rights, liabilities, powers and duties arising upon the breach of it by any covenant, condition or obligation.

(j) To vest in a Trustee or Trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such Trustee or Trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default" and prescribing the terms and conditions upon which such Trustee or Trustees, or the holder or holders of bonds of any specified amount or percentage of bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

SECTION 14. That any holder or holders of bonds, including Trustee or Trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court of Montgomery County, authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, or any other proper officer, agent, or employee of any of them, including, but without limitation, the right to require the County Court of Montgomery County, authorizing and issuing said bonds, the Port Authority, the Port Authority Commissioners, and any proper officer, agent or employee of

any of the, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court of Montgomery County authorizing and issuing said bonds, the Port Authority, the Port authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements, and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

SECTION 15. That the County Court of Montgomery County, Tennessee, shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a Trustee or Trustees, for such holders, the rights, in the event of an "event of default", as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or Trustee or Trustees thereof:

(a) By suit, action or proceedings in any Court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the Court may direct.

(b) By suit, action or proceedings in any Court of competent jurisdiction, to acquire the County Court of Montgomery County authorizing and issuing said bonds, or the Port Authority Commissioners, to act as if they were the Trustees of any express trust.

Any such resolution shall constitute a contract between the County and the holders of bonds of such issue.

SECTION 16. That expenses actually incurred by the Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys, or other employees, the giving of notes, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of the County of Montgomery, not otherwise appropriated, or from any other fund available, as may be provided by the County Court of said County.

All such payments from the general or other funds shall be considered as temporary, non-interest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

SECTION 17. That the County Court of Montgomery County is authorized to appropriate to the Port Authority from its general funds, or such other funds as may be unappropriated, to pay the expenses of the Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Court is authorized

and empowered to levy a tax, in addition to all other taxes, upon all taxable property within said County, sufficient to pay the appropriation made by it to the Port Authority.

SECTION 18. That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of the Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as the Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

SECTION 19. That the revenue derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities shall be applied and used as follows:

- (1) The payment of all operating expenses of the Port Authority, except that the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities shall not be used for his purpose.
- (2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.
- (3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as the Port Authority Commissioners may deem necessary or desirable.
- (4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purpose of this Act. None of such revenue shall go into the general funds of the said County, except as may be directed by the Port Authority Commissioners.

SECTION 20. That, except as otherwise herein expressly provided, all contracts of the Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than Five Hundred Dollars (\$500.00) or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than One Thousand Dollars (\$1,000) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency arises and required immediate delivery of the supplies or performance or the service; or

(2) Repair part, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among businessmen.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisers for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this Section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

SECTION 21. That the Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

SECTION 22. That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the County of Montgomery sell, transfer, lease or otherwise dispose of any real property in the custody and control of the Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, leased or otherwise disposed of only with the approval of the County Court of Montgomery County, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

SECTION 23. That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

SECTION 24. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder

of this Act, notwithstanding the part held to be invalid, if any.

SECTION 25. That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on Cumberland River and Barkley Lake, facilitating the movement and transfer of goods and merchandise to, from and through the County of Montgomery, encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said County.

SECTION 26. That this Act shall have no effect unless the same shall have been approved by a majority vote of the County Court of Montgomery County, Tennessee. Its approval or non-approval shall be proclaimed and countersigned by the Clerk of the County Court of Montgomery County, and shall be duly certified by him to the Secretary of the State of Tennessee.

SECTION 27. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1968.

ADMINISTRATION

PORT AUTHORITY

The following summary is included for historical purposes.

1. Private Acts of 1967-68, Chapter 175, would have created the Port Authority for Montgomery County with substantially similar provisions as those contained in the Act published herein, Private Acts of 1967-68, Chapter 415, above. This Act was not acted on by the local authorities and consequently did not become a law.

ADMINISTRATION

PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 et seq. Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$10,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$10,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 et seq.

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather than three. This system must be approved by a two-thirds (2/3)

vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$10,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$10,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$10,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers

electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.

ADMINISTRATION

GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the Tennessee County Government Handbook, a CTAS publication.

The following private or local acts constitute part of the administrative and political history of Montgomery County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1797, Chapter 15, authorized the citizens of Robertson and Montgomery Counties who had claims granted to them by Tennessee County prior to the division of that County into Robertson and Montgomery to use the claims to pay taxes in their respective Counties.
2. Acts of 1801, Chapter 5, provided that no pork, beef, hog's lard, butter, hemp, flour, or kiln dried meal, could be exported from the State unless it had been inspected in the manner set forth in the act and all the regulations promulgated therein complied with. Inspection places in Montgomery County were at Clarksville, Port Royal, and Palmyra.
3. Acts of 1806 (Ex. Sess.), Chapter 43, appointed five commissioners, namely, James Elder, Hugh Bell, John Shelby, Henry Small, and Charles Stewart, and authorized them to fix a site in the town of Clarksville for the purpose of erecting a courthouse and prison. The County Court of Montgomery County was directed to levy a tax to pay for the building.
4. Acts of 1809 (Sept. Sess.), Chapter 66, permitted Montgomery County to levy a tax for the purpose of paying the expense of erecting a courthouse at Clarksville. The tax would not be less than the state tax nor more than double the state tax imposed in any one year on taxable property.
5. Acts of 1811, Chapter 42, authorized the building of two warehouses in which to keep tobacco and food produce safely pending their inspection. One building would be on the north side of the river at Weakley's Ferry in Montgomery County and the other on the south side of the river near Weakley's Ferry in Dickson County.
6. Acts of 1815, Chapter 44, required the public inspection of tobacco, hemp, flour, lard, butter, and other marketable articles to be held in warehouses. One of the warehouses for the keeping of inspected goods was in Montgomery County was to be at Smith's Ferry on the north side of the Red River.
7. Public Acts of 1821, Chapter 20, provided that the affidavits authorized in a 1796 Act to supply the substance of records which were destroyed by a fire in the Chancery Court office for the Mero District could also be used to satisfy the requirements of recording deeds and other evidences of land titles in the county register's office.

8. Public Acts of 1831, Chapter 43, provided that the cashier of the Bank of the State of Tennessee would place to the credit of various counties their pro rata share of the \$60,000 set aside for internal improvements in Middle Tennessee. The money was to be lent for the use and benefit of the Counties until the next meeting at the General Assembly. The Counties were Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson.

9. Private Acts of 1831, Chapter 86, granted the same relief to Wilson Sanderlin, Ezekiel Sanderlin, and John Ferguson of Montgomery County as others enjoyed who had entered lands ceded to Kentucky.

10. Private Acts of 1832, Chapter 58, authorized Joseph P. Thomas and James B. Reynolds to build a bridge over the Red River at or near the location of the existing bridge. Before building, the men were required to obtain the consent of the commissioners of the existing bridge. When completed, the bridge had to meet the specifications for carrying weight and had to be accepted by the County Court before tolls could be charged.

11. Private Acts of 1832, Chapter 97, appointed John H. Poston, James Ramsey, John Niblett, James B. Reynolds, and James Wheatley as a Board for Internal Improvements in Montgomery County. They would select a clerk and a treasurer and then could collect the money on deposit for the County in the Internal Improvement Fund. The money would be used to purchase stock in roads, bridges, and other projects which could be expected to return a reasonable profit or would be lent at interest not exceeding ten per cent.

12. Acts of 1853-54, Chapter 180, granted to Montgomery County and other counties the authority to subscribe to the stock of any railroad running through the respective counties and to issue bonds of the counties to pay for the stock.

13. Private Acts of 1867-68, Chapter 37, created the corporation of the "Clarksville Middle Bridge Company" to erect, use and maintain a bridge across the Red River, at or near the mouth of the West Fork of Red River. S. F. Beaumont, A. Kellogg, T. B. Matthat, J. Peterson, William N. Daniel, T. J. Mumford, and R. W. Humphreys were appointed as the Board of Commissioners to organize the company. The act set forth a schedule of tolls to be charged when completed.

14. Private Acts of 1868-69, Chapter 43, authorized the County Court of Montgomery County to appoint an additional Notary Public who would reside in New Providence.

15. Private Acts of 1869-70, Chapter 119, relieved Michael Sullivan and Mark Parlan, both of Montgomery County, from the obligation to pay a forfeiture on a \$2,000 appearance bond, the same being payable to the State.

16. Public Acts of 1875, Chapter 15, allowed the County Court of Montgomery County to appoint an additional Notary Public who would be able to speak and write French and German.

17. Public Acts of 1879, Chapter 80, declared the Red River to be navigable from its mouth to Port Royal in Montgomery County and repealed all laws which declared the river to be unnavigable.

18. Public Acts of 1893, Chapter 179, stated that if any surplus remained in the railroad fund of Montgomery County after the payment of principal and interest on the debt, the surplus may be applied to the extinguishment of any just claim against the County for which an appropriation had been made by the County Court.
19. Public Acts of 1899, Chapter 113, authorized Montgomery County, through its County Court, to purchase any or all of the ferries operating on the Cumberland River within the boundaries of the County. The Court would have control and management of the ferries and operate them either as free or toll ferries. No more than \$8,000 was to be spent in the purchase and the Court could make whatever disposition of them it deemed proper.
20. Private Acts of 1913 (1st Ex. Sess.), Chapter 76, provided the form and content of the corporate charter to be used by gas, electric light, and power companies choosing to operate under a single charter and under one management in Montgomery County. A major feature of the act was that no such combined operation company could do business in any municipality until it obtained the consent of that municipality.
21. Private Acts of 1915, Chapter 184, authorized the establishment of Community Centers for social, educational and industrial advancement. A Community Center meeting certain criteria enumerated in the Act would be a combination school and meeting place with agricultural demonstration facilities. A managing board of five citizens would be chosen for one year terms who would also have charge of the highways in the community. Funds would be drawn from both education and road funding sources.
22. Private Acts of 1915, Chapter 677, amended Public Acts of 1875, Chapter 116, to give landlords in Montgomery County an additional lien on growing crops for money which had been furnished to their tenants to enable the tenants to make the crop. The lien could be enforced in the same manner as other liens were enforced. This act was held to be unconstitutional in Wofford v. Hooper, 149 Tenn. 250, 259 S.W. 549 (1924).
23. Private Acts of 1919, Chapter 274, provided that in Montgomery County females, married or single, over 21 years of age, and residents of the County, would be eligible for appointed as deputy to the Clerk and Master, Clerk of the Circuit Court, County Court Clerk, Register, and County Trustee, with all the powers, rights, obligations, and liabilities of other deputies to the said officers.
24. Private Acts of 1921, Chapter 862, amended the Abutting Property Law, Public Acts of 1913, Chapter 18, as the same applied to Montgomery County, by making the paving of the intersections of the streets paved under the act the responsibility of the city or town, and not the obligation of the abutting property owners, or the railroad, if its tracks traversed the corner.
25. Private Acts of 1933, Chapter 92, removed the disabilities of infancy from John Dunn Sadler, Jr., of Montgomery County and permitted him to do all things and perform all acts as though he was twenty-one years of age.
26. Private Acts of 1933, Chapter 796, removed the disabilities of infancy from Elizabeth Louise McKeage, and permitted her to do all things and perform all acts as though she was twenty-one years of age.

27. Private Acts of 1971, Chapter 30, authorized the County Court of Montgomery County to adopt by reference in a resolution the provisions of the housing, building, electrical, plumbing, and gas codes prepared by technical trade associations and model code organizations. The act did not receive approval of local authorities and did not become law.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Montgomery County. They are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1873, Chapter 83, was a bird protection act for Montgomery, Robertson, Davidson, and Maury Counties which prohibited the hunting, killing, or capturing, from the first of February to the first of September, of any song-bird, such as the mocking bird, thrush, robin, and oriole; of any game bird, such as the wild-turkey, partridge, quail, grouse, pheasant, woodcock, snipe, or lark; or of any bird which feeds on insects which destroy fruit trees such as the sparrow, cat-bird, or woodpecker. Violations were punishable by fines of \$5 per bird to be split between the informer, if any, and the County.
2. Public Acts of 1875, Chapter 114, was a general law, applicable to Montgomery County and most other counties, which made it unlawful for a person to catch fish with seine, nets, or traps on the land of another without permission. The landowner was allowed to sue to enjoin the violator.
3. Public Acts of 1877, Chapter 25, prohibited catching or taking fish with seines, nets, traps, gigs, or by any other means than by angling with a hook and line and by trotline in the waters of any running stream in the State. Legal and equitable remedies were made available to those who were damaged by such activity. Montgomery, Robertson, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry, and Crockett Counties were covered under the act.
4. Public Acts of 1879, Chapter 22, was a new bird protection act for Montgomery and Cheatham Counties. The act declared it a misdemeanor for any person to hunt, kill, or capture any song bird, any bird that ate insects, or any listed game bird.
5. Public Acts of 1893, Chapter 15, made it unlawful for any person to kill, net, or trap, quail and partridges, for pleasure or profit, on his own land or elsewhere, in Gibson, Montgomery, Lincoln and Giles Counties other than between November 1 and March 1, of each year. The act prohibited the netting of quail or partridges at anytime.
6. Public Acts of 1893, Chapter 43, made it unlawful for any person to place or keep any fish-traps or fish-dams across any running stream in Gibson, Obion, Weakley, Carroll, or Montgomery Counties. Violators would be guilty of a misdemeanor and punished accordingly.

7. Public Acts of 1893, Chapter 59, prohibited the hunting, killing, or capturing of any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from the first day of December to the thirtieth day of September each year.

8. Public Acts of 1895, Chapter 135, made it unlawful to catch, kill, destroy, or take fish in Robertson and Montgomery Counties by means of seine, trap, net, or by use of fishberries, lime and giant powder, dynamite, gun powder or any explosive, or by use of any means other than hook and line, trotline, gig, grab-hook or snatch-hook. The act would not apply to minnow or bait catching nets, or to any person fishing in his own private lake. Fines for violations ranged from \$50 to \$500.

9. Private Acts of 1897, Chapter 292, amended Public Acts of 1895, Chapter 135, above, by prohibiting in Montgomery County all forms of fishing except by baited, single hook or by trotline with the provision that seine fishing for minnows to be used for bait was permitted. The County Court was authorized to appropriate \$250 for the purpose of enforcing the act by having the streams watched for violators.

10. Public Acts of 1899, Chapter 3, made it unlawful for any person to hunt, capture, kill, shoot, wound, or destroy any quail or partridge in Montgomery, Marshall, and Rutherford Counties from February 15 to November 15, each year, and unlawful to do so at any time on the land of another without having first obtained written permission from the owner. Fines for violation ranged from \$10 to \$50 or up to sixty days in jail.

11. Acts of 1901, Chapter 263, made it a misdemeanor to shoot, trap, or kill wild turkeys in Robertson, Montgomery, and Weakley Counties for a period of five years following passage of the act.

12. Acts of 1901, Chapter 447, stated that no person shall catch, kill, injure, or pursue, any ruffed grouse, prairie chicken, or Mongolian, English, or ring-neck pheasants before November 15, 1903, or after that date, between November 15 and January 15, in Stewart, Robertson, Cheatham, Williamson, and Montgomery Counties. The nests and eggs of the listed birds were also protected. Fines and imprisonment were prescribed for violators. The act was not applicable to people possessing the listed birds for purposes of domestication or propagation.

13. Acts of 1903, Chapter 192, made it unlawful for any person to hunt, capture, kill, shoot, wound, or destroy any quail or partridge in Montgomery County from February 1 to November 1, inclusive, of each year or to do so at any time on the land of another without the owner's permission.

14. Acts of 1903, Chapter 263, made it unlawful for any owner or person having control of hogs, sheep, and goats to allow them to run at large in Montgomery County. Any person damaged by animals running at large was granted a lien upon the stock to be enforced as any other lien by judgment and execution against the owner. The person damaged was allowed to take up the stock, feed and care for it, and have a lien upon the stock to enforce reasonable compensation. The act in no way modified or affected the railroad stock law and the railroads remained liable for harm caused by them to livestock.

15. Acts of 1903, Chapter 565, provided that a three strand barbed wire, or a four strand

smooth wire, securely fastened to good and sufficient posts, firmly set into the ground, as described in the act, would constitute a lawful and acceptable fence in Montgomery County. Specifications for spacing fence posts and positioning the wire on the posts were set forth in the act.

16. Private Acts of 1911, Chapter 150, made it a misdemeanor for any owner or manager of hogs, sheep, or goats, to allow them to run at large. The act granted a lien, enforceable as any other lien, to any person damaged by animals running at large. The act did not alter in any way the railroad stock and fence law and the railroad liability for harm to livestock remained unchanged.

17. Private Acts of 1911, Chapter 210, was a Senate Bill and it was worded the same as Private Acts of 1911, Chapter 150, above, which was a House Bill. Both bills passed the General Assembly and were signed into law by Governor Hooper.

18. Private Acts of 1911, Chapter 567, amended Acts of 1903, Chapter 263, by making the prohibition against animals running at large applicable to cattle, horses, or any other livestock as well as to hogs, sheep and goats.

19. Private Acts of 1915, Chapter 447, made it unlawful to hunt or kill quail or doves except that quail could be hunted from December 1 to February 1, and doves from September 1 to December 1, each year. Violators could be fined up to \$50 for each violation.

20. Private Acts of 1917, Chapter 384, made it lawful for the owners of land along any stream in Montgomery County to catch fish for their own benefit with set nets and baskets.

21. Private Acts of 1927, Chapter 702, regulated the owning, keeping, or harboring of dogs so as to protect the safety of people and property in Bedford, Maury, Wilson, and Montgomery Counties by providing for the licensing of dogs and kennels and payment of fees according to a schedule set forth in the act. The act allowed the authorities, under certain circumstances, to kill a dog running at large. It provided remedies for persons injured by trespassing dogs, and it declared violations of the act to be a misdemeanor.

22. Private Acts of 1929, Chapter 31, excluded Bedford, Maury, and Montgomery Counties from the operation of the Dog Law, Private Acts of 1927, Chapter 702, and left Wilson County as the only County within that Act.

23. Private Acts of 1929, Chapter 243, authorized an election in Montgomery County to ascertain the will of the voters with reference to a dog law for the County, and it set forth the standards under which the election would be held.

24. Private Acts of 1929, Chapter 884, provided that all fees collected by the Montgomery County Trustee, in the amount of \$2,190, from purchase of licenses while the Dog Law was in effect would be expended to pay damage claims by citizens injured by animals running at large and that any surplus would then go to the general fund.

25. Private Acts of 1937, Chapter 353, was a general Dog Law for Montgomery County similar in all respects to Private Acts of 1927, Chapter 702. It required owners of dogs and kennels to purchase licenses from the County Trustee who would distribute license tags for the

dogs. The fees would create a Dog License Fund and would then be distributed to persons injured by animals running at large under guidelines set forth in the act. The County Court would appoint a Delinquent Dog License Officer to enforce the act and kill unlicensed dogs, if the owner could not be ascertained. Violations of the act were declared misdemeanors and penalties were set forth.

26. Private Acts of 1937, Chapter 536, amended Private Acts of 1937, Chapter 353 by striking the provisions relating to the Delinquent Dog License Officer and substituting instead a provision for the appointment of Dog Tax Enforcement Officers, one for each civil district. The officers' duty would be to take a census of all dogs with a description of each and bring charges against those dog owners not purchasing licenses and to kill any dog found injuring other domestic animals.

27. Private Acts of 1939, Chapter 1, repealed Private Acts of 1937, Chapter 353, and Private Acts of 1937, Chapter 536. The act established the manner for disbursing the funds accumulated in the Dog License Fund so that costs would be paid first and then damage claims. Any surplus would be paid over to the County School Fund.

CHAPTER III - BOND ISSUES

BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 et seq. However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

A listing of the acts which authorized various bond issues for Montgomery County is included below for reference purposes, although these acts are no longer current. Also referenced below is an act which repeals prior law without providing new substantive provisions.

AIRPORT

1. Private Acts of 1941, Chapter 18, validated all the prior proceedings held by the Quarterly County Court of Montgomery County at its January 6, 1941, meeting during which the court approved the issuance of Airport Bonds in the amount of \$25,000, at 2¼% interest, maturing over a nine year period. The Court was required annually to levy a tax sufficient to pay principal and interest on the bonds.

BRIDGES

1. Private Acts of 1911, Chapter 467, authorized, upon voter approval at a special election, the issuance by Montgomery County of bonds in an amount not to exceed \$150,000, for the purpose of building a bridge across the Cumberland River at a point within seven miles of Clarksville. The bonds would bear a maximum interest rate of five per cent and have a maximum maturity of thirty years after issuance. The County Court would elect five commissioners to supervise the construction of the bridge.

2. Private Acts of 1917, Chapter 111, authorized Montgomery County to issue bonds in an amount not exceeding \$500,000 for the purpose of building two bridges across the Cumberland River. One bridge would span the river from Franklin Street in Clarksville to the south side of the river connecting with the Clarksville and Waverly Road. The second bridge would cross the river and connect the Clarksville and Charlotte Road.

3. Private Acts of 1917, Chapter 450, amended Private Acts of 1917, Chapter 111, so that the County Court could, at its discretion and whenever it deemed proper, charge and collect tolls on the two bridges to pay the principal and interest on the bonds.

4. Private Acts of 1919, Chapter 376, permitted, subject to voter approval, the issuance of bonds in an amount not to exceed \$500,000, to build a bridge and its approaches over the Cumberland River within seven miles of Clarksville. The Quarterly County Court would elect

five commissioners to supervise the project, and would levy a tax and charge a toll to pay for the bonds.

5. Private Acts of 1923, Chapter 59, authorized Montgomery County officials to apply the proceeds of the bond issue, authorized by Private Acts of 1919, Chapter 376, for the building of a bridge, toward the purchase of rights-of-ways so that the County could properly take advantage of construction funds available from the Federal Government.

6. Private Acts of 1923, Chapter 664, permitted, subject to voter approval, the issuance of bonds in an amount not in excess of \$100,000 at a maximum rate of interest of six per cent, for the purpose of building bridges across creeks and rivers in the County.

DEBTS

1. Public Acts of 1885, Chapter 100, permitted Montgomery County to issue bonds in dominations of \$100, \$500, and \$1,000, to be payable ten years after issuance and to bear interest at a rate not to exceed six per cent. The purpose of the bond issue was to raise funds to retire the then current bonded indebtedness of the County.

2. Private Acts of 1913, Chapter 30, allowed Montgomery County to issue bonds in the total amount of \$75,000 to retire the floating indebtedness of the County and reduce the interest on the outstanding debt. The bonds would bear interest at a rate not to exceed five per cent and would mature in thirty years, but would be redeemable at year ten, fifteen, twenty, and twenty-five.

3. Private Acts of 1917, Chapter 40, authorized the County of Montgomery to issue bonds for the purpose of retiring past due school warrants and other past due school indebtedness. The maximum aggregate amount of the bonds would be \$20,000. The bonds would bear interest at a rate not exceeding five percent.

4. Private Acts of 1929, Chapter 107, permitted the Quarterly County Court to issue bonds in the amount of \$200,000 to bear interest at a maximum rate of five per cent and to mature in twenty years. The bonds were to be sold under the supervision of the County Judge, County Court Clerk, and the Finance Committee, and the proceeds of sale were to be used for funding the outstanding and floating indebtedness due and owing by the County.

5. Private Acts of 1945, Chapter 132, validated the prior proceedings of the Quarterly County Court conducted on January 1, 1943, regarding the issuance of \$305,000 in refunding bonds by the County. The act directed the Court to impose an annual tax to pay for the bonds.

6. Private Acts of 1947, Chapter 599, authorized Montgomery County to issue bonds in the approximate principal sum of \$50,000 in two series for the purpose of paying the outstanding and floating indebtedness of the County. The first series would be designated the School Funding Bonds and would total \$40,000. The remaining bonds would be designated the Highway Funding Bonds. Both series would bear interest at a rate not exceeding three per cent and mature no later than twenty years after issuance.

POOR

1. Public Acts of 1875, Chapter 56, allowed the Counties of Montgomery, Stewart, Benton, Houston, Dickson, Cheatham, Humphreys, to authorize bond issues, each in the amount of \$10,000. The act declared that great destitution then existed in the Counties and that the helpless

poor were suffering and were likely to suffer more because of the general scarcity of money and provisions, resulting from crop failures. The proceeds from the bond issues were to be disbursed within the discretion of the several County Courts. A tax was to be levied on taxable property to pay interest and principal. Any fraudulent act regarding the issuance or any misappropriation of funds was declared a felony punishable by two to five years at hard labor.

RAILROADS

1. Acts of 1853-54, Chapter 179, authorized the County Court of Montgomery County to subscribe, on behalf of the County, to stock in the amount of \$250,000 in the Memphis, Clarksville and Louisville Railroad Company, the action having been approved by the voters in a special election. In exchange for the stock the Court was authorized to issue to the Company bonds of the County, payable in thirty years at six per cent interest.

2. Private Acts of 1857-58, Chapter 49, authorized the Magistrates of Montgomery County to enter into a contract with the Memphis, Clarksville, and Louisville Railroad Company for the purchase by the Company of previously authorized Montgomery County Bonds in exchange for stock in the Company. The act empowered the Magistrates to levy a tax to carry out the provisions of the contract.

3. Private Acts of 1865-66, Chapter 68, authorized the Collector of taxes assessed by Montgomery County to pay the interest semi-annually that accrued upon the bonds issued by the County to the Memphis, Clarksville, and Louisville Railroad Company, and to pay the taxes so collected to the First National Bank of Clarksville under the same rules and regulations prescribed for paying the funds into the Bank of Tennessee.

4. Private Acts of 1865-66, Chapter 121, empowered the Judge of the County Court of Montgomery County to issue, under the direction of the County Court, bonds to fund unpaid coupons on the \$250,000 of bonds issued in payment of the County's subscription to the stock of the Memphis, Clarksville, and Louisville Railroad.

5. Public Acts of 1883, Chapter 146, required the collector of the railroad tax in Montgomery County to pay the same into the First National Bank, the Clarksville National Bank, the Northern Bank, and the Franklin Bank upon the warrant of the County Judge and the Financial Agent of the County.

ROADS

1. Acts of 1905, Chapter 157, authorized Montgomery County to issue bonds in the total amount of \$150,000, to bear interest at a rate not exceeding five percent, for the purpose of retiring outstanding promissory notes given by the County for turnpike, bridge, ferry and improved highways, and for obtaining additional money for highway purposes. The County Court was directed to levy a tax to retire the bonds.

2. Private Acts of 1915, Chapter 28, authorized the Montgomery County Court to issue bonds for road purposes at any time they were in regular session. The amount of the bonds would not exceed two-thirds of one per cent of the taxable values of the County in any one year and would never exceed 3% of the taxable values at any time. Maximum interest allowed was six per cent and thirty years was the longest maturity period.

3. Private Acts of 1915, Chapter 330, amended the caption of Private Acts 1915, Chapter 28,

by naming the census from which the population figures used in the act were taken.

4. Private Acts of 1931, Chapter 775, authorized Montgomery County to issue bonds not exceeding \$100,000 in aggregate amount to bear interest not in excess of six per cent for the purpose of creating a Special Highway Fund to pay for rights of way and damages in connection with condemnation suits then pending on appeal to the Supreme Court.

5. Private Acts of 1933, Chapter 17, repealed Private Acts of 1931, Chapter 775.

6. Private Acts of 1935, Chapter 193, validated all prior proceedings of the Quarterly County Court of Montgomery County with respect to the issuance of highway refunding bonds in the amount of \$67,500. The proceeds would be used to retire a like amount of highway bonds. The bonds would bear interest of the rate of three and three quarters per cent, payable semiannually.

7. Private Acts of 1935, Chapter 454, validated a Montgomery County bond issue in the amount of \$150,000 to retire a like amount of Highway Improvement Bonds issued previously at higher interest.

8. Private Acts of 1937, Chapter 598, ratified the issuance by the Quarterly County Court of Montgomery County of Highway Refunding Bonds in the aggregate amount of \$37,500. The bonds paid three and one-half per cent interest.

SCHOOLS

1. Private Acts of 1931, Chapter 625, granted the County Court of Montgomery County authority to borrow money on short term notes, at a rate of interest not to exceed six per cent to pay teacher's salaries and necessary operating expenses of the school system until County taxes for the previous year were collected.

2. Private Acts of 1933, Chapter 176, directed the Election Commissioners for Montgomery County to order an election to ascertain the will of the voters of the County on the question of issuing bonds in the amount of \$50,000 with the proceeds to be used in paying the salaries of rural school teachers. The election call was to be issued within three days and the election held no later than sixteen days after the call. The results were to be reported immediately to the County Representative in the General Assembly.

3. Private Acts of 1933, Chapter 420, permitted the issuance of Montgomery County bonds in the amount of \$50,000 for school purposes. The bonds were to bear interest at a rate not to exceed six per cent and were to mature ten years from issuance.

4. Private Acts of 1941, Chapter 507, authorized the issuance of bonds in an amount not to exceed \$75,000 to bear interest at a maximum rate of six per cent and mature within thirty years of issuance. The bonds would be designated the "County Special School Property Fund" and the proceeds used to purchase property for school buildings, to erect, repair, maintain, furnish, and equip such buildings and to buy busses for transportation.

5. Private Acts of 1947, Chapter 681, authorized a bond issue in the amount of \$100,000. The proceeds of sale would be used as matching funds as may be required by any Federal or State program for public school purposes to build, erect, and acquire sites for school

buildings. The bonds would be called "School Building Bonds" and the proceeds of sale would be administered by the Board of Education of Montgomery County.

6. Private Acts of 1951, Chapter 168, provided for a referendum to determine the will of the County voters on the question of the authorization, issuance, and sale of Tennessee School Bonds in the amount of \$1,000,000 by Montgomery County.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF THE COUNTY

ACTS OF 1796 (1st. Sess.)

CHAPTER 30

SECTION 1. That the county of Tennessee be divided by a line as follows, viz. Beginning at the upper end of the first bluff above James McFarlin's on Red River, near Allin's Cabbins, running from thence a direct course to the Sulphor Fork, one quarter of a mile below Elias Fort's, thence up the creek, as it meanders, to the mouth of Brush Creek, thence up the same, as it meanders, to the head, thence a direct course to the Davidson county line, at the mouth of Sycamore Creek, thence up said Sycamore Creek, with the Davidson county line, to the Sumner county line, thence with the extreme height of the dividing ridge, eastwardly to the Kentucky road, leading from Nashville, thence northwardly, with said road, to the Kentucky state line, thence west with said line, to such place as a south east course, leaving Joseph French in the lower county, will strike the beginning; And all that part contained in the said boundary henceforth be erected into a new and distinct county, by the name of Robertson; and the other part thereof be and remain a separate and distinct county, by the name of Montgomery.

SECTION 8. That Barclay William Pollock and Joseph Carmack, be appointed commissioners, who are authorized to run the dividing lines between the aforesaid counties, that is, where they are not already run, or particularly pointed out by natural boundaries; for which services each of the commissioners shall be allowed two dollars per day, and the markers each one dollar per day, the expenses to be equally paid by the aforesaid counties.

SECTION 9. That all proceedings, now pending in the county court of Tennessee, shall be proceeded on, and determined in that part of said county, now called Montgomery, in the same manner as if this law had not passed.

COMPILER'S NOTE: Sections 2 through 7 of this act relate to Robertson County and are not reprinted here.

BOUNDARIES

ACTS OF 1799

CHAPTER 13

SECTION 1. That from and after the passing of this act, the bounds of Robertson County shall be as follows, viz. Beginning at the upper end of the first bluff above James McFarland's, on Red river, near to Allen's cabbins, running from thence a direct course to the Sulphor Fork, one quarter of a mile below Elias Fort's, thence a direct course so as to leave the plantation whereon Colonel James Ford lives in Montgomery County, and the plantation whereon Major John Baker lives, in Robertson County, and to strike the road leading from Davidson's ferry, to Robertson court house, one quarter of a mile east of captain James Hollis's, thence a direct course to the mouth of Big Brush Creek, which empties into the Cumberland River near colonel John Hogan's, thence continuing the same course to the Indian boundary line, thence running eastwardly with said Indian boundary line to Davidson county line, thence north with said Davidson County line to the mouth of Sycamore creek, thence up said Sycamore creek, with the Davidson county line, to the Sumner county line, thence with the extreme height of the ridge, eastwardly to the Kentucky road leading from Nashville, thence northwardly with said road to the Kentucky state line, thence west with said line to such place as a southeast course, leaving Joseph French in the lower county, will strike the beginning.

SECTION 2. That nothing in this act contained, shall be so construed as to prevent the sheriff or collector of the state taxes of the county of Montgomery from collecting the same within the limits of that part of Robertson County which was taken from Montgomery, which are at this time in arrearages, in the same manner as if this act had not been passed; and the sheriff, collector, or treasurer, as the case may be, shall be bound to refund, when called on, all the monies they have received, as county monies, for the year one thousand seven hundred and ninety nine, unto those citizens which live in that part of Montgomery county, which is by this act annexed to Robertson county.

SECTION 3. That all laws and parts of laws, which comes (sic) within the perview and meaning of this act, shall be null and void, anything to the contrary notwithstanding.

Passed: October 23, 1799.

BOUNDARIES

ACTS OF 1801

CHAPTER 51

SECTION 1. That from and after the passing of this act the bounds and limits of Montgomery county shall be as follows, viz. Beginning one hundred and fifty yards east of captain Joseph Woolfork's house, on the Sulphor fork, thence south to the _____ of captain James Holmes, thence east to a point twelve and a half miles east of the meridian of the court house in the town of Clarksville, thence south to a point twenty-five miles south of the Kentucky line, thence west to the Indian boundary line, thence with said boundary line to the Kentucky line aforesaid, thence with said line east to a point, from which a due south course will strike the beginning.

SECTION 2. That Henry Johnson and Benjamin Weakley, or either of them, be, and they are hereby appointed commissioners to run and mark the lines which shall divide Montgomery from Robertson county, who shall be allowed the sum of two dollars per day each, and the chain carrier and marker one dollar per day each, for every day they shall be necessarily employed in running said lines, to be paid by the county of Montgomery.

SECTION 3. That nothing herein contained shall be so construed as to prevent the Sheriff of Robertson county from collecting the taxes now due from the inhabitants who shall fall into Montgomery county, nor the Sheriff of Montgomery county from collecting the taxes due from those who may fall into Robertson county, by virtue of this act.

Passed: October 29, 1801.

BOUNDARIES

ACTS OF 1803

CHAPTER 66

SECTION 1. That a new county by the name of Dickson be and hereby is erected and established out of that part of the counties of Robertson and Montgomery, comprehended within the bounds following, to wit: Beginning on the south bank of Cumberland river, where the line which separates the counties of Robertson and Davidson intersects the same, running thence down said river to a point, half a mile below Fayetteville; thence southwestwardly by a line which shall intersect Barton's creek, one half mile north of the forge; thence due west to a stake or point, one mile east of the east boundary line of Stewart county; thence south to the southern boundary of this state; thence east with said southern boundary to the southwest corner of Williamson county, as established by an act of the last session of the general assembly, entitled "An act to extend the jurisdiction, and to ascertain the bounds of the counties therein mentioned; thence north with the west boundary lines of the counties of Williamson and Davidson to the beginning.

SECTION 4. That the sheriffs of Robertson and Montgomery counties shall have power to collect the taxes for the present year, and all arrearages of taxes for any preceding year, due from any of the inhabitants within the present limits of either of their respective counties that may be included within the county hereby established; and that the inhabitants of said established county, now citizens of Robertson county shall be liable for the payment of their proportion of any debts now due by said county of Robertson.

SECTION 5. That James Elder be and is hereby appointed surveyor to run and mark the line between the counties of Montgomery and Dickson, who shall be allowed the sum of two and a half dollars for each and every day he may necessarily be employed therein, to be paid by the county of Dickson; and he shall employ chain carriers and a marker to assist him in running and marking said line; who shall be allowed the sum of one dollar each to be paid as above.

Passed: October 25, 1803.

COMPILER'S NOTE: Sections 2, 3, 6 and 7 of this act do not relate to the boundaries of Montgomery County and are not reprinted here.

BOUNDARIES

ACTS OF 1803

CHAPTER 68

SECTION 1. That Montgomery county be divided by a line which shall commence in the Kentucky line, thirteen miles west of the meridian of Clarksville, and run south to the southern boundary of this state; and all the territory west of the said line be constituted a separate and distinct county and distinguished by the name of Stewart.

SECTION 2. That James Elder be appointed Surveyor to run the division line between the said county of Stewart and the county of Montgomery, and that he be allowed the sum of two dollars and fifty cents per day for his services, and that he be authorized to employ two chain carriers and one marker for the purpose aforesaid, which several sums shall be paid out of the funds of said county.

SECTION 5. That the sheriff of Montgomery county shall have power to collect the taxes for the present year, and all arrearages of taxes due for any preceding year, from any of the inhabitants of the said county of Stewart in as full and ample a manner as if this act had not been passed.

Passed: November 1, 1803.

COMPILER'S NOTE: Section 3 and Sections 4 through 7 do not relate to the boundaries of Montgomery County and are not reprinted here.

BOUNDARIES

ACTS OF 1804

CHAPTER 13

Whereas, on extending the line agreeable to law between the counties of Montgomery and Stewart, it was found that the settlements of Guises creek fell into Montgomery county, which was not intended, as the same lies more immediately adjoining the settlements of Stewart than Montgomery county---For remedy whereof.

SECTION 1. That hereafter the lines which divide the counties of Montgomery and Stewart shall be as follows (to wit) Beginning on the Kentucky line, sixteen miles west of the meridian of Clarksville, then south fifteen degrees east, to intersect the line of Dickson county about three miles east of the line run heretofore for Stewart county, thence, with the ridge which divides the waters of Yellow creek from the waters of Guises and Wellses Creek to the Indian boundary, and which said boundary westwardly to the line run for Stewart County.

SECTION 2. That the territory which lies west of the line established hereby between the same and the former line shall be and the same is hereby declared to be part of Stewart County, Guises Creek settlement included, and that territory which lies east of the line hereby established between the same and the former line, shall be, and is hereby declared to be a part of Montgomery county.

COMPILER'S NOTE: Sections 3 through 6 of this act do not relate to Montgomery County and are not reprinted here.

BOUNDARIES

ACTS OF 1809 (Sept. Sess.)

CHAPTER 42

Whereas the people who reside near to the lower end of Robertson County, and in the upper end of Montgomery, labor under to many inconveniences in discharging their public duties and dues, owing to the distance they have to go to attend elections, and general and battalion musters, and present uncertainty of the line between said counties; and dissatisfied with the manner in which said line has been directed to be run, as a dividing line between said counties, it being a crooked one: To remedy which,

SECTION 1. That Joseph Woolfolk, Esquire, of Montgomery county, be, and he hereby is appointed a commissioner for the purpose of running and plainly marking a line, beginning at a point, twelve and a half miles due east of the meridian of Clarksville, which point is a corner of an offset in the present line near to Capt. James Blackwell's on Parson's Creek, thence a direct course to a point on the south bank of the Sulphur fork of Red river about mid way between the dwelling houses of Maj. James Norfleet and Cordall Norfleet, thence down Sulphur fork, with its meanders, to the point where the present line of the county now crosses the same, thence with said line, due north, to the Kentucky line; which line when run, shall be the true dividing line between the aforesaid counties of Robertson and Montgomery; and such persons as are or may be found to reside west of said line shall, from and after the running of said line, be considered as inhabitants of Montgomery, and those on the east thereof, to belong to the county of Robertson, any other or former law to the contrary notwithstanding.

SECTION 2. That the sheriff of Robertson County shall be, and hereby is, authorized to collect the state and county taxes due from those who had returned their tax list in said county, who will, by the running of said line, be found to be added to the county of Montgomery, as effectually as if this act had not been passed.

SECTION 3. That the said Joseph Woolfolk shall be allowed the sum of three dollars per day for each day he may be necessarily engaged in running said line, and that the person marking the same shall be allowed per day the sum of one dollar for each and every day he may be necessarily engaged in marking the same, to be paid by order of the county court of Montgomery out of any county monies.

Passed: November 8, 1809.

COMPILER'S NOTE: Section 4 through 6 of this act do not relate to boundaries of Montgomery County and are not reprinted here.

BOUNDARIES

PRIVATE ACTS OF 1835-36

CHAPTER 44

SECTION 1. That the dividing line between the counties of Robertson and Montgomery shall be a straight line.

SECTION 2. That Henry Johnson and George S. Wimberly shall be commissioners, whose duty it shall be to commence on the Sulphur fork of Red river, where the dividing line between said counties crosses the same, and to run and mark said line straight to the Kentucky line, so that the same shall be a straight line from the mouth of Sycamore creek to the Kentucky line.

SECTION 3. That said commissioners shall report to the county courts of the counties of Montgomery and Robertson, as early as practicable, the boundary so by them run; which shall be registered in each of said counties, and the same shall be the limits of said counties.

SECTION 4. That said commissioners be allowed the sum of four dollars per day, for every day they may be engaged in such service, to be paid by the county of Montgomery.

SECTION 5. That after the survey shall have been made by the commissioners herein named, that part now in the county of Robertson, from the point where it crosses the Sulphur fork creek to the Kentucky line, shall be and compose part of the county of Montgomery, and the citizens residing therein shall be entitled to all the rights and privileges of other citizens of Montgomery county, and subject to the same pains and penalties thereof; Provided, that nothing in this act shall prevent the sheriffs, or any other officer in the county of Robertson from collecting their taxes, now due, from the citizens of that part of said county of Robertson stricken off by this act and attached to the county of Montgomery.

Passed: February 18, 1836.

BOUNDARIES

PUBLIC ACTS OF 1881

CHAPTER 60

SECTION 1. That the line between the counties of Cheatham and Robertson, and between Cheatham and Montgomery, be changed as follows: Beginning where the line of Cheatham and Robertson counties strikes the east boundary line of A. D. Cage's five hundred acre tract, thence north with his line to his north-east corner, thence west $1\frac{1}{2}^{\circ}$ north with his line to the Montgomery county line, and on to his north-west corner, thence south 3° west to the Cheatham county line.

SECTION 2. That this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1881.

BOUNDARIES

PUBLIC ACTS OF 1881

CHAPTER 72

SECTION 1. That the county line of Montgomery and Robertson counties be so changed as to run according to the following boundaries, to-wit: Beginning at a point where Red river crosses the present line, running thence down said river to the mouth of Sulphur Fork creek, thence up said creek to a point where it crosses the present line.

SECTION 2. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

SECTION 3. That this act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1881.

BOUNDARIES

PUBLIC ACTS OF 1887

CHAPTER 75

WHEREAS, A controversy has arisen between the counties of Montgomery and Cheatham as to the proper boundary line between said counties north of the Cumberland River; therefore,

SECTION 1. That said line shall begin at the mouth of Barton's Creek, on Cumberland River, and run north forty-six degrees east about seven and one-half miles to the corner in the Robertson County line, designated in the act creating the county of Cheatham as the J. N. Moody corner (except as hereinafter provided), leaving the lands and residences of D. Burton, J. T. Burton, H. M. McCormac, Nat. Sanders, the old Pearson's place, Z. T. Jennet, E. L. Williams, N. S. Stack, and J. E. Cage (residence place), in Montgomery County, and the lands and residences of D. S. Mayor, W. K. Hollis, E. M. Gupton, J. B. Balthrop, W. C. Hunter, L. J. Hunter, W. W. Fry, and J. F. Stack in Cheatham County.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1887.

BOUNDARIES

PUBLIC ACTS OF 1887

CHAPTER 116

SECTION 1. That it shall be the duty of the County Surveyors of the counties of Cheatham, Montgomery, and Dickson conjointly to survey the boundary line between the counties aforesaid, south of Cumberland River.

SECTION 2. That the aforesaid surveyors shall meet at a point on the south bank of Cumberland River near the mouth of Barton's Creek, where the line between Montgomery and Cheatham counties strikes the said river, and run the line between said counties to the intersection of Dickson County, then run the line between Dickson and Montgomery Counties to the southwest corner of the Sixteenth Civil District of Montgomery County, and plainly mark the same.

SECTION 3. That each of said surveyors shall jointly make a map of the line so surveyed, and shall deposit a copy of said map with the Clerk of the County Court of his county by the first Monday in October, 1887, and said Clerk shall file same among the papers of his office.

SECTION 4. That said surveyors shall each be paid for said services by the respective counties aforesaid.

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

Passed: March 16, 1887.

BOUNDARIES

PRIVATE ACTS OF 1935

CHAPTER 681

SECTION 1. That the line between the Counties of Montgomery and Robertson in the State of Tennessee, be and the same is hereby changed so as to put that part of Montgomery County, Tennessee, into Robertson County, Tennessee, and to include the same within the boundaries of Robertson County, Tennessee, bounded and described as follows, to-wit:--

Beginning at a point in the First Civil District of Montgomery County, Tennessee, where the present line between said Counties of Montgomery and Robertson crosses the northeast boundary line of the right of way of the Louisville and Nashville Railroad, and running thence north forty-eight (48) degrees West two hundred and sixty-seven and twenty-eight hundredths (267.28) poles; thence with said Matthews' line south eighty-seven (87) degrees east eighty-four (84) poles and twelve (12) links; thence with said Matthews' line north two (2) degrees east one hundred and eighty-eight and one-sixth ($188 \frac{1}{6}$) poles; thence with his line south eighty-eight (88) degrees east thirty-six and three-fourths ($36 \frac{3}{4}$) poles; thence with his line south twenty-five and one-half ($25 \frac{1}{2}$) degrees east thirty-three and one-half ($33 \frac{1}{2}$) poles; thence with his line south eighty six and three-fourths ($86 \frac{3}{4}$) degrees west to said line between said Counties of Montgomery and Robertson; thence with said County line to the place of beginning; said boundaries comprehending the farm of the said J. T. Matthews and a small portion of the land of A. P. Smith which adjoins said County line.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 18, 1935.

BOUNDARIES

PRIVATE ACTS OF 1937

CHAPTER 255

SECTION 1. That the line between the Counties of Dickson and Montgomery in the State of Tennessee, be and the same is hereby changed so as to include within the boundaries of said Montgomery County, and in the present Sixteenth Civil District thereof, that part of said Dickson County, bounded and described as follows, to-wit:

Beginning at a stone, it being the southeast corner of Montgomery County and the northwest corner of Dickson County in the west boundary line of Cheatham County, said corner being described as a stone six feet (6') south of a sycamore marked as a pointer, said point bearing north twenty degrees (20 deg.) west from the mouth of Hagedwood's Branch at a distance of forty-two (42) poles, thence with said Cheatham County line, supposedly with the main fork of Barton's Creek, on a general course of south eighteen and one-half degrees (18½ deg.) east forty (40) poles to a point in center of said creek even with the mouth of said branch; thence up the center line of said creek on the following courses and distances: South forty-nine degrees (49 deg.) west twenty-four (24) poles, south forty-four and one-half degrees (44½ deg.) west fifty (50) poles, south sixty-five degrees (65 deg.) west forty-two (42) poles, south eighty-three degrees (83 deg.) west fifty-three (53) poles, north seventy-six and one-half degrees (76½ deg.) west forty-four (44) poles, south eighty-four and one-half degrees (84½ deg.) west twelve (12) poles, south fifty-seven degrees (57 deg.) west thirty-two (32) poles, south fourteen degrees (14 deg.) west sixty-two (62) poles, south forty-nine and one half degrees (49½ deg.) west twenty-two (22) poles, south fifty-eight degrees (58 deg.) west forty-five (45) poles, and north sixty-four and one-half degrees (64½ deg.) west fifty (50) poles to the center point in said creek at the southeast corner of the W. L. Cook farm thence with the east boundary line of said farm north two degrees (2 deg.) east ninety-two (92) poles to a stake in the original line dividing Dickson and Montgomery Counties, the said stake being the southeast corner of that portion of said Cook farm taken out of Montgomery County and placed in Dickson County by Chapter 199 of the Private Acts of 1897; thence along the original county line, present magnetic bearing, north seventy-one and one-half degrees (71½ deg.) east three hundred and forty-one (341) poles to the beginning, comprehending portions of the farms of H. L. Toler and John C. Weems, and the southern portion of what is known as the Jennette farm, and aggregating in the whole one hundred and sixty-two (162) acres, more or less.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 22, 1937.

BOUNDARIES

PRIVATE ACTS OF 1971

CHAPTER 69

SECTION 1. The boundary line between the counties of Montgomery and Robertson, in the area where the boundary intersects the Stroudsville-Harmony Church Road, between the Fifth Civil District of Montgomery County and the Seventh Civil District of Robertson County is changed so that the boundary will run from an iron pin in the boundary line between the two counties approximately 36 feet north 86 degrees west from another iron pin in the Stroudsville-Harmony Church Road at the Pickering and E. O. Harper corner; thence along the north, east and south sides of the following described tract of land, so that the described tract of land will lie wholly within the Fifth Civil District of Montgomery County:

Beginning at an iron pin in the easterly margin of the Stroudsville-Harmony Church Road at the Pickering and E. O. Harper Corner, thence along the north line of the Pickering property south 86 degrees 15 feet 44 inches east 1,383.5 feet to a post, a corner to the Pickering property; thence on a line south 9 degrees 15 feet west 4,786 feet to an iron stake in Robert Elliott's northline; thence with the line of said Elliott property north 86 degrees 26 feet 38 inches west 1,414 feet to an iron pin in the easterly margin of the Stroudsville-Harmony Church Road at the Pickering and Elliott corner; thence north along the easterly margin of the Stroudsville-Harmony Church Road to the iron pin in the easterly margin of the Stroudsville-Harmony Church Road at the Pickering and E. O. Harper corner; and situated in the 7th Civil District of Robertson County and the 5th Civil District of Montgomery County.

As amended by: Public Acts of 1972, Chapter 791.

SECTION 2. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: April 15, 1971.

BOUNDARIES

PUBLIC ACTS OF 1981

CHAPTER 324

SECTION 1. The boundary line between the counties of Montgomery and Robertson is changed so that the following described tract or parcel of land, a portion of which lies in the fifth civil district of Montgomery County, shall lie wholly within the seventh civil district of Robertson County:

Beginning at an iron pin in the east margin of Stroudsville Road, said iron pin being about 618.4 feet northerly with said margin of said road from an iron pin, the southwest corner which this parcel is a portion, being the southwest corner of this parcel of land, a corner with Joe Elliott and William B. Elliot; thence with margin of said road North 2 deg. 45' East 400.7 feet to an iron pin, a corner with aforesaid Joe Elliot and William B. Elliott; thence with line of said Elliotts South 88 deg. East and being one foot south of a fence, a distance of 254.4 feet to an iron pin, said iron pin being one foot south of a corner post; thence with line of same and being one foot west of a fence South 2 deg. West 173.7 feet to an iron pin, said iron pin being one foot west of a corner post and one foot east of said post measuring from the side of post which fence is nailed to; thence with line of same East 47 feet to an iron pin and being one foot south of a fence; thence leaving fence with line of same South 3 deg. West 200 feet and South 86 deg. 45' West 299.2 feet to the beginning, containing 2.5 acres, more or less, after survey by F. E. Head, Surveyor, and being the same property conveyed to Joe Elliott and wife, Anne L. Elliott, by deed dated March 4, 1981, and recorded in Deed Book 232, Page 31, in the Register's Office for Robertson County, Tennessee.

SECTION 2. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 6, 1981.

BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Montgomery County.

1. Acts of 1843-44, Chapter 193, directed the county surveyors of Montgomery and Dickson Counties to complete the unfinished boundary line between the two Counties and to make a map showing the true line between the said Counties which would be filed with the County Court Clerk of each County. Each surveyor would receive \$3.00 per day salary.
2. Private Acts of 1859-60, Chapter 100, changed the county line between Montgomery and Dickson Counties so as to include in Dickson County the lands of Joseph Weems, and changed the line between Montgomery and Cheatham Counties so as to include in Montgomery County all the lands of E. L. Williams, B. B. Persons, H. C. Pall, W. G. Pickering, and W. B. Stewart.
3. Public Acts of 1867-68, Chapter 82, re-established the old line between Montgomery and Cheatham Counties beginning at Elliott's corner and running southwest to the Cumberland River.
4. Public Acts of 1868-69, Chapter 21, repealed Public Acts of 1867-68, Chapter 82.
5. Public Acts of 1869-70, Chapter 32, established a new county line and transferred all the lands of E. L. Fort, Robert Long, H. G. Long, Harding Durham, A. M. Jones, C. M. Warfield, S. F. Mitchell, John Sadler, and J. E. Hill from Montgomery County to Robertson County.
6. Public Acts of 1877, Chapter 61, changed the boundary between Montgomery and Cheatham Counties so as to include in Cheatham County the property of John M. Duke.
7. Public Acts of 1883, Chapter 53, altered the boundary between Montgomery County and Cheatham County so as to include in Cheatham County all the lands of Wiley B. Stewart.
8. Public Acts of 1887, Chapter 50, changed the boundary between Montgomery and Dickson Counties so as to include in Dickson County the house and land of G. W. Daniel.
9. Private Acts of 1897, Chapter 199, changed the county line between Montgomery County and Dickson County so as to include in Dickson County all the lands of Henderson Proctor and E. T. Williams.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

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.

COURT SYSTEM

CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Montgomery County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 19th judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

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.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is determined in accordance with T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

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.

COURT SYSTEM

CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Montgomery County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 19th judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the circuit court of Montgomery County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1809 (Sept. Sess.), Chapter 49, formed five Judicial Circuits in the State. The Third Circuit contained the Counties of Montgomery, Dickson, Hickman, Stewart, Robertson, and Humphreys. Courts would be held in all circuits twice each year by the five Circuit Judges, appointed by joint ballot of the General Assembly and commissioned by the Governor. The Judges would appoint a Clerk for the Courts in their Circuit. In Sumner County the Circuit Court terms would begin on the third Monday in February and August.
2. Acts of 1817, Chapter 138, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Judicial Circuits. Courts would be held on the third Monday in February and August in Montgomery County.
3. Private Acts of 1819, Chapter 154, set the dates for commencing Circuit Court in Montgomery County as the third Monday in February and August.
4. Public Acts of 1831, Chapter 53, provided that all appeals from the Circuit Courts of Robertson, Montgomery, and Dickson Counties be taken to the Supreme Court of Errors and Appeals at Nashville.
5. Public Acts of 1835-36, Chapter 5, was enacted after the adoption of the 1835 Constitution and established the Circuit Courts of Tennessee in eleven Judicial Circuits. Courts would meet for three terms a year instead of two. The Seventh Judicial Circuit was composed of the Counties of Montgomery, Stewart, Humphreys, Dickson, Hickman, and Robertson. The Circuit Court would convene in Montgomery County on the second Monday of January, May, and September.
6. Acts of 1841-42, Chapter 27, set the times for holding Circuit Court in Montgomery

County on the first Monday of March, July, and November. In addition, the Court would convene on the second Monday in January for the purpose of trying the criminal cases on the docket. All civil cases would be adjourned over until the March session.

7. Acts of 1847-48, Chapter 49, changed the dates for Circuit Court terms in Montgomery County to the second Monday in January, May and September.

8. Acts of 1847-48, Chapter 171, created a Criminal Court for Montgomery County and required the Circuit Court Judges to retain jurisdiction in criminal cases until indictments were obtained then transfer the cases to the Criminal Court.

9. Acts of 1853-54, Chapter 52, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge to hold the Circuit Court of Sumner County at the times appointed by law and the same Judge would hold the Criminal Courts of the other three Counties. The act was repealed less than two weeks after its passage.

10. Acts of 1853-54, Chapter 59, repealed Acts of 1853-54, Chapter 52.

11. Public Acts of 1857-58, Chapter 98, completely reorganized the system of Circuit Courts in the State into sixteen Judicial Circuits. The Tenth Judicial Circuit contained the Counties of Montgomery, Robertson, Cheatham, Dickson, and Stewart. Circuit Court terms in Montgomery County would begin on the second Monday of January, May, and September.

12. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized all the Circuit Courts of the State into fifteen regular and one special Judicial Circuits. The Tenth Circuit was made up of the Counties of Robertson, Stewart, Cheatham, Dickson, Humphreys, and Sumner.

13. Public Acts of 1869-70 (2nd Sess.), Chapter 46, scheduled the terms of the Circuit Courts for every county in the State. Montgomery County would begin its terms of Circuit Court on the first Monday in January, May, and September.

14. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system of the State. Fourteen regular and one special Judicial Circuits were established. The Tenth Judicial Circuit contained the Counties of Sumner, Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson and Humphreys. Court would begin in Montgomery County on the first Monday in January, May, and September.

15. Public Acts of 1899, Chapter 427, was a complete reorganization of the lower system of the state and it divided the Circuit Courts into fourteen Judicial Circuits. The Ninth Circuit contained the Counties of Robertson, Sumner, Stewart, Houston, Humphreys, Cheatham, Dickson, and Montgomery. The Circuit Court in Montgomery County would commence its terms on the first Monday in March, July, and November.

16. Acts of 1903, Chapter 29, reset the terms of the Circuit Courts in the counties of the Ninth Judicial Circuit which were Robertson, Cheatham, Montgomery, Houston, Stewart, Dickson, Humphreys, and Sumner. Circuit Court in Montgomery County would begin its term on the fourth Monday in February, June, and October at Clarksville.

17. Acts of 1909, Chapter 329, rearranged the terms of some of the Circuit Courts in the

Ninth Judicial Circuit but the Montgomery County Circuit Court continued to meet on the fourth Monday in February, June and October.

18. Public Acts of 1915, Chapter 57, altered the terms for holding Circuit Court in the counties of the Ninth Judicial Circuit. The Court terms in Montgomery County would convene on the fourth Monday in February and October and the third Monday in June.

19. Private Acts of 1927, Chapter 486, amended Public Acts of 1915, Chapter 57 by changing the day of convening court in June from the third Monday to the fourth Monday.

20. Public Acts of 1931, (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower court system of Tennessee. This was the last act regarding the organization of State Courts in the volumes of Private Acts. Twenty Judicial Circuits were formed. The Ninth Judicial Circuit was composed of the Counties of Robertson, Montgomery (civil cases only), Stewart, Houston, Dickson, Humphreys, and Sumner County. In Montgomery County the Circuit Court continued to meet on the fourth Monday in February, June, and October.

21. Public Acts of 1957, Chapter 226, provided that the Circuit Court terms (civil cases only) in Montgomery County would be held on the fourth Monday in January, April and July, and the first Monday in October.

22. Public Acts of 1965, Chapter 274, created the Law and Equity Court for Montgomery County and vested in it concurrent jurisdiction with the Chancery Court of Montgomery County and in civil cases, with the Circuit Court of Montgomery County. The act vested in the Judge of the new Court all common law and statutory powers of the Judges of the Chancery and Circuit Courts and required the judge to sit by interchange with the Judge of the Criminal Court and with the Chancellor of the Sixth Chancery Division at the request of those Judges. The Judge of the Law and Equity Court would have the same qualifications of and receive the same salary as the other judges and would be elected for eight-year terms. The Clerk and Master would be the Clerk for chancery cases and the Circuit Court Clerk would be the Clerk for law cases. Terms of the Court would commence on the second Monday in February, April, June, August, October, and December.

23. Public Acts of 1967, Chapter 339, amended Public Acts of 1965, Chapter 274, by declaring that the Judge of the Law and Equity Court would have equal power with the other Judges in appointing the Jury Commission and by directing the County to supply the Judge with appropriate facilities for his Court. The act also allowed the bonds filed by the Clerk and Master and Circuit Clerk to cover their activities in relation to the Law and Equity Court.

24. Public Acts of 1975, Chapter 14, amended Public Acts of 1965, Chapter 274, by changing the dates on which the Law and Equity Court would hold its terms to the first Monday in January, April, July, and November.

25. Public Acts of 1975, Chapter 15, amended the Tennessee Code relative to the dates for holding Law and Equity Court and the dates for holding Criminal Court and directed that the Judge of the Law and Equity Court would hold the Criminal Court for Montgomery County.

26. Public Acts of 1980, Chapter 557, specifically vested concurrent jurisdiction in civil cases in the Law and Equity Court and the Circuit Court. The act declared that the Law and

Equity Court would be the Criminal Court of Montgomery County with all common law and statutory powers as other criminal courts in the State.

27. Public Acts of 1984, Chapter 931, declared that effective September 1, 1984, the Law and Equity Court of Montgomery County would become Part II of the Circuit Court of the Nineteenth Judicial District composed of both Montgomery and Robertson Counties and would possess the same jurisdiction, powers, and duties as the Circuit Court.

COURT SYSTEM

CIRCUIT COURT

CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is determined in accordance with T.C.A. § 8-24-102.

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.

COURT SYSTEM

CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Montgomery County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 19th judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

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.

COURT SYSTEM

DISTRICT ATTORNEY GENERAL

ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Montgomery County is in the 19th judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

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.

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. That the compensation of said Judge shall be Six Thousand Five Hundred Dollars (\$6,500.00) per annum, payable in equal monthly installments. It shall be paid out of the general funds of the County, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall devote all his working time to the duties of his office, shall not engage in the practice of law during his tenure of office; provided, he may complete or finish any legal business undertaken before assuming the office.

The County Judge shall issue warrants drawn upon the Trustee for the payment of the salaries herein provided for.

As amended by: Private Acts of 1957, Chapter 157.

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 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.

COURT SYSTEM

GENERAL SESSIONS COURT

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.

COURT SYSTEM

GENERAL SESSIONS COURT

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.

COURT SYSTEM

GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The salary of the general sessions judge is governed by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.

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.

COURT SYSTEM

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.

COURT SYSTEM

JUVENILE COURT

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.

COURT SYSTEM

JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

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

1. Public Acts of 1983, Chapter 92, Page 147, 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.

COURT SYSTEM

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".

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.

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".

COURT SYSTEM

PROBATE COURT

The following acts all relate to the Act establishing a Probate Court for Montgomery County which is published herein. For general state law on Probate Courts see Titles 30 and 33, Tennessee Code Annotated, as well as Volume 13, under "Probate Courts" and "Executors and Administrators."

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.

COURT SYSTEM

SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. County boards of education must be popularly elected to staggered four-year terms from districts of substantially equal population. The county legislative bodies are authorized to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. T.C.A. § 49-2-201.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

After the passage of the Education Improvement Act of 1991, the elected office of superintendent of public instruction (county superintendent of education) was phased out. Replacing the superintendent is a director of schools, who is an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools is employed by the board under a written contract of up to four years duration under T.C.A. § 49-2-203(a). The duties of the director of schools are enumerated in T.C.A. § 49-2-301.

The acts referenced below once affected the office of superintendent of education in Montgomery County, but are no longer operative.

1. Private Acts of 1931 (2nd Ex. Sess.), Chapter 5, provided that in Montgomery County a twelve years certificate of qualifications issued under state law for the position of County Superintendent would be renewed for a period of twelve years, provided the holder actually had served as a County Superintendent in a county in Tennessee for not less than four years during the life of the certificate.
2. Private Acts of 1949, Chapter 212, required the Election Commissioners of Montgomery County upon proper petition to hold an election to determine the will of the voters on the question of whether a County Superintendent of Public Instruction should be popularly elected.
3. Private Acts of 1951, Chapter 169, required the Montgomery County Superintendent of Public Instruction to be elected for terms of four years. Not later than the first Monday in April prior to the election, each candidate for the office had to file a state certificate of qualification with the County Judge.

COMPILER'S NOTE: Although this act has not been repealed, it has been superseded by the operation and use in Montgomery County of the general law allowing the consolidation and unification of all school systems operating within a county. See T.C.A. 49-2-1201 through 49-2-1208.

EDUCATION - SCHOOLS

GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

The following acts constitute part of the administrative and political heritage of the educational structure of Montgomery County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806 (Ex. Sess.), Chapter 8, provided that Duncan Stuart, Asahel Brunson, James Elder, Willie Blount, and Parry W. Humphreys, constituted a body corporate and politic as the Trustees of Rural Academy in Montgomery County.
2. Acts of 1812, Chapter 15, provided that any seven of the Trustees appointed for Mount Pleasant Academy in Montgomery County were a sufficient number to transact the business of the Academy.
3. Acts of 1847-48, Chapter 75, provided that the County Academy in Montgomery County would be divided into two branches so as to constitute the Clarksville Female Academy as a branch of the County Academy.
4. Acts of 1855-56, Chapter 138, incorporated William M. Stewart, John M. Hill, Bryce Stewart, William B. Mumford, John Stacker, J. E. Bailey, A. Robb, John McKeage, C. R. Cooper, D. N. Kennedy, Thomas J. Pritchitt, W. P. Hume, Rev. R. A. Lapsley, Rev. W. H. Mitchell, Rev. R. B. McMullin, and Rev. Duncan Brown as a body politic by the name of Stewart College located in Montgomery County. The school would be under the supervision and control of the Synod of Nashville of the Presbyterian Church.
5. Acts of 1855-56, Chapter 186, authorized the County Court to appoint five Trustees for Clarksville Academy to convey and release the grounds and buildings to Stewart College. The Grand Master of the Masonic Lodge would do the same for Montgomery Masonic College. Further, the academy funds of Montgomery County were to be paid to Stewart College.
6. Public Acts of 1891, Chapter 63, created a new school district from parts of the Fourteenth and Fifteenth Civil Districts. Three directors were to be elected for the district.
7. Acts of 1907, Chapter 236, was a general education bill which abolished the offices of District Directors and placed the management of county school systems under a County Board of Education and a District Board of Advisors. Montgomery County was one of ten counties exempted from the operation of the act.
8. Private Acts of 1915, Chapter 160, allowed Montgomery County to operate its high school system jointly with the cities of the County. A high school board would be created to

manage the schools.

COMPILER'S NOTE: Although this act has not been repealed, it has been superseded by the operation and use in Montgomery County of the general law allowing the consolidation and unification of all school systems operating within a county. See T.C.A. 49-2-1201 through 49-2-1208.

9. Private Acts of 1915, Chapter 184, allowed communities to be established in Montgomery County to be composed of one or more or parts of the civil districts for the purpose of constructing and operating Community Centers. The Centers were to be used for educational purposes, school exercises and lectures and as a meeting place for social and business functions. The Centers were to be operated by a board of five residents, no more than three to be male and no more than three to be female. The Community Board would have charge of the roads and schools of the community subject to the County Court and the County Board of Education. The Community would receive its funding from State and County school levies on a basis related to its proportional scholastic population in the County.

10. Private Acts of 1917, Chapter 116, established an independent school district in the Fifth Civil District of Montgomery County to be called the Port Royal School District, number 3, which would be controlled by the Montgomery County School Board. The District would have one member on the Board. Mr. J. H. Peyton was named to serve as the first District Board member until the next election.

11. Private Acts of 1919, Chapter 720, repealed Private Acts of 1917, Chapter 116, above.

12. Private Acts of 1993, Chapter 67, repealed Private Acts of 1970, Chapter 288, which created and established a Stadium Authority.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: county clerk, county election commission, state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

ELECTIONS

PRIVATE ACTS OF 1975

CHAPTER 11

SECTION 1. It shall be unlawful for any person to distribute cards, handbills, placards, or any other vote solicitation material, or to loiter about for the purpose of soliciting votes for or on behalf of any candidate or cause on the grounds of any polling place.

SECTION 2. As used in this act, "Grounds" means the area within the boundaries of any tract, parcel, or lot of land on which the polling place is situated.

SECTION 3. No special, primary or general election may be held in Montgomery County, Tennessee, unless and until this entire Act has been published in a local newspaper at least (10) ten days prior to the date of any such election. The expense of the publication of the Act shall be paid in like manner as are other expenses.

SECTION 4. Any person violating this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) in the discretion of the trial court, and costs.

SECTION 5. The Grand Jury in Montgomery County, Tennessee, is hereby vested with inquisitorial powers respecting the enforcement of this Act.

SECTION 6. Officers of election in Montgomery County, the Sheriff of Montgomery County, and the Police of the City of Clarksville are authorized to remove any person or material in violation of this Act.

SECTION 7. Chapter 420 of the Private Acts of 1955, Chapter 197 of the Private Acts of 1963 and all amendments thereto are repealed.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Montgomery County by July 1, 1975. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him 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: March 10, 1975

COMPILER'S NOTE: For general law regarding the subject of this act see T.C.A. 2-7-111.

ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of administrator of elections and deputies by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified administrators of elections based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified administrator's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Montgomery County in the 22nd state senatorial district (along with Dickson, Stewart, Houston and Humphreys counties), while T.C.A. § 3-1-103 places it in the 67th and 68th representative districts. Montgomery County is part of the 7th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Montgomery County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 10, divided Tennessee into two separate sections, the Holston Section, which was composed of the Washington and Hamilton Districts and the Cumberland Section, which consisted of the Mero District. Each of these Districts would elect a Representative to the United States Congress, the election taking place on the first Thursday in August, 1796.
2. Acts of 1796 (2nd Sess.), Chapter 4, named the electors from each County who would vote in the selection of a President and Vice President of the United States. The convening of the electors from the Mero District would take place in Nashville.
3. Acts of 1798, Chapter 16, established twelve Senatorial Districts and twenty-four Representative Districts in the General Assembly of the State of Tennessee according to its Constitution. The Mero District was awarded four Senators and eight Representatives. Montgomery County would elect one Representative alone and one Senator along with Robertson County.
4. Acts of 1799, Chapter 46, provided that three Presidential electors would be chosen from the State, one each from the Washington, Hamilton, and Mero Districts. The Act named the people in each County who would meet to choose an Elector. In Montgomery County the duty was given to Duncan Stuart, John Hogan, and Haydon Wells.
5. Acts of 1803, Chapter 24, fixed the number of Presidential Electors to be selected in the State at five. The fifth District contained the Counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford, and Dickson who would elect one Elector jointly. The votes from this District would be counted at Nashville in Davidson County on the Monday following the election.

6. Acts of 1803, Chapter 79, determined that the State would send three Representatives to the Congress of the United States, one each from the Eastern Division composed of the Counties of the District at Washington, the Middle Division, composed of the Counties of the Hamilton District, and the Western Division, composed of the Counties of the Mero District.

7. Acts of 1805, Chapter 64, stated that the enumeration of citizens which was required by a former public act had been completed and the results reported to the General Assembly. The State would have thirteen Senatorial Districts. Robertson, Dickson, Montgomery, and Stewart Counties composed one district and would elect one State Senator among them, the polls to be counted at Clarksville. Of the twenty-six Representatives in the House, Montgomery and Stewart Counties would elect one.

8. Acts of 1807, Chapter 74, established five Districts for the Electors of the President and the Vice President of the United States. The fifth District contained the Counties of Davidson, Robertson, Montgomery, Stewart, Dickson, Williamson, Maury, Robertson, Bedford, and Hickman. Votes would be tabulated at Nashville.

9. Acts of 1812, Chapter 5, increased the number of Presidential Electoral Districts in the State from five to eight. The Eighth District was made up of the Counties of Montgomery, Stewart, Robertson, Dickson, Hickman and Montgomery which together would elect one Elector. Votes would be counted and recorded at Charlotte in Dickson County.

10. Acts of 1812, Chapter 27, established six United States Congressional Districts, in Tennessee, doubling Tennessee's representation in Washington. The Sixth Congressional District was composed of the Counties of Montgomery, Robertson, Dickson, Humphreys, Hickman, Stewart, Maury and Giles.

11. Acts of 1812, Chapter 57, increased the membership of the General Assembly of Tennessee to twenty Senators and forty representatives. Montgomery, Stewart, and Humphreys Counties would elect one Senator and Montgomery County, alone, would elect one Representative.

12. Acts of 1815, Chapter 31, organized Tennessee into eight U. S. Electoral Districts for the election of the President of the United States.

13. Private Acts of 1817, Chapter 4, provided that the election officials whose duty it was to report the returns of the Sixth District, composed of Montgomery, Stewart, and Humphreys Counties, would meet in the home of Phillip Hornberger in Stewart County.

14. Public Acts of 1819, Chapter 69, divided the State into twenty Senatorial and forty Representative Districts. Montgomery and Robertson Counties would elect one Senator and Montgomery County would elect one Representative alone.

15. Public Acts of 1822, Chapter 1, established eight U. S. Congressional Districts in the State. Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman Counties composed the Eighth District.

16. Public Acts of 1823, Chapter 47, formed eleven Electoral Districts for the election of the

President and Vice President of the United States. Montgomery, Robertson, Stewart, Dickson, Humphreys and Hickman Counties composed the Tenth District.

17. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty Senators and forty Representatives. Montgomery, Robertson, and Dickson Counties made up one Senatorial District. Montgomery County would elect one Representative.

18. Public Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts. The Tenth District was composed of Montgomery, Robertson, Dickson, Stewart, Humphreys, and Perry Counties.

19. Public Acts of 1832, Chapter 4, created thirteen United States Congressional Districts and assigned Montgomery County to the Eleventh District along with Robertson, Stewart, Humphreys, Hickman, and Dickson Counties.

20. Public Acts of 1832, Chapter 9, set up fifteen Electoral Districts for the President and Vice President's election. Montgomery, Robertson, Stewart, Dickson, and Humphreys Counties were in the Thirteenth District.

21. Public Acts of 1833, Chapter 71, provided that Montgomery, Robertson, and Dickson Counties would constitute one of the twenty State Senatorial Districts and that Montgomery and Robertson Counties together would elect one of the forty Representatives. Polls would be counted at Thomas Williams' place in Montgomery County for the Senatorial District.

22. Public Acts of 1833, Chapter 76, stated that a Constitutional Convention of sixty members would be called, whose delegates would be elected on the first Thursday and Friday in March, and those selected would meet in Nashville on the third Monday in May to revise, amend, and alter the present State Constitution, or form a new one. Montgomery County would elect one delegate.

23. Public Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the 1835 Constitution, formed fifteen Presidential Electoral Districts in Tennessee. Montgomery, Robertson, Stewart, Dickson and Humphreys formed the Thirteenth District.

24. Acts of 1839-40, Chapter 79, declared that fifteen Electors for the election of the President and Vice President would be chosen. Each Congressional District would elect one elector and two electors would be at-large.

25. Acts of 1842 (Ex. Sess.), Chapter 1, divided the State into twenty-five Senatorial Districts and fifty Representative Districts for the General Assembly. The Counties of Montgomery and Robertson comprised one of the Senatorial Districts and Montgomery County, alone, would elect two Representatives.

26. Acts of 1842 (Ex. Sess.), Chapter 7, established eleven U. S. Congressional Districts in the State. It assigned Montgomery, Robertson, Stewart, Dickson, Humphreys, Benton, and Henry Counties to the Ninth District.

27. Acts of 1851-52, Chapter 196, formed ten U. S. Congressional Districts in the State. The Eighth District contained the Counties of Montgomery, Davidson, Robertson, Stewart, and

Dickson.

28. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Montgomery County would elect one Representative alone. Montgomery, Davidson and Robertson Counties constituted one Senatorial District.

29. Public Acts of 1865, Chapter 34, set up eight U. S. Congressional Districts in Tennessee. The Sixth District contained the Counties of Montgomery, Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, and Stewart.

30. Public Acts of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventy-five delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.

31. Public Acts of 1871, Chapter 146, apportioned the representation in the Tennessee General Assembly based on the 1870 Census. Montgomery County would elect one Representative alone, and elect one Representative with Stewart County. Montgomery County would be a part of the Seventeenth State Senatorial District along with the Counties of Robertson and Stewart.

32. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, based on the 1870 Census. The Seventh District was made up of the Counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry, Hardin, and McNairy.

33. Public Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts in Tennessee from nine to ten and reassigned counties accordingly. The Sixth U. S. Congressional District included the Counties of Montgomery, Davidson, Cheatham, Dickson, Humphreys, Houston, and Stewart.

34. Public Acts of 1881 (Ex. Sess.), Chapter 5, established the number of State Senators at thirty-three and the number of Representatives at ninety-nine.

35. Public Acts of 1881 (Ex. Sess.) Chapter 6, apportioned the State Senatorial and Representative Districts. Montgomery County elected two Representatives. The Counties of Montgomery and Houston would together elect one Representative. Montgomery and Stewart Counties composed the Twenty-first Senatorial District.

36. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Sixth Congressional District was made up of the counties of Montgomery, Davidson, Robertson, Cheatham, Stewart, Humphreys, and Houston.

37. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the state according to the 1890 Census. Montgomery County would elect one Representative alone and one Representative along with Houston County. The Fifteenth Senatorial District contained the Counties of Montgomery and Robertson.

38. Public Acts of 1891, Chapter 131, divided Tennessee into ten U. S. Congressional Districts. The Sixth U. S. Congressional District was composed of Montgomery, Davidson, Robertson, Cheatham, Stewart, Humphreys, and Houston Counties.
39. Acts of 1901, Chapter 109, formed ten U. S. Congressional Districts in the State with Montgomery County in the Sixth District along with Davidson, Robertson, Cheatham, and Stewart Counties.
40. Acts of 1901, Chapter 122, was the last reapportionment of the General Assembly for more than sixty years. The Fifteenth Senatorial District included the Counties of Montgomery, Robertson, Cheatham, and Stewart Counties.
41. Acts of 1903, Chapter 567, amended Public Acts of 1890 (Ex. Sess.), Chapter 24, which was a general voting and registration procedures act for counties with a population greater than 70,000, by making it applicable to Montgomery County. However, the registration provision of the act would not be applicable in Civil Districts of Montgomery County with a population of less than 2,499. The general law had provided for uniform, printed ballots, and had established balloting procedures and regulations for registrars, for registration of voters and for the manner of voting.
42. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, authorized the County Registrar's office in Montgomery County to appoint a Deputy Registrar to be paid \$900 per year from the excess fees of the office.
43. Private Acts of 1933, Chapter 176, called for a referendum election on whether to issue bonds to pay salaries of rural school teachers. The election would be held under the general election laws of the State and County and the results would be certified to the proper officials.
44. Private Acts of 1933, Chapter 599, fixed the compensation of the County Registrars at \$3,600 annually but if the fees, commissions, and emoluments of the office were less than \$3,600, then the compensation would equal the lesser amount.
45. Private Acts of 1955, Chapter 420, prohibited the distribution of cards, handbills, or placards on behalf of a candidate within one thousand feet of a polling place during the hours of election. Certain items could be posted prior to the opening of the poll. Violation was declared a misdemeanor. The act was repealed by Private Acts of 1975, Chapter 11, reprinted herein.
46. Private Acts of 1963, Chapter 197, amended Private Acts of 1955, Chapter 420, by providing that any vote solicitation posters placed at a polling place could not exceed ten inches by sixteen inches in size.

CHAPTER VIII - HEALTH

HEALTH

HOSPITAL DISTRICT

PRIVATE ACTS OF 2006

CHAPTER 116

SECTION 1. Chapter 99 of the Private Acts of 1953, as amended by Chapter 206 of the Private Acts of 1955; Chapter 21 of the Private Acts of 1965; Chapter 29 of the Private Acts of 1967; Chapter 154 of the Private Acts of 1992; Chapter 113 of the Private Acts of 1994, and Chapter 174 of the Private Acts of 1996, together with any other acts which amend any thereof, relative to the City of Clarksville and Montgomery County Memorial General Hospital District, is hereby repealed.

SECTION 2. Upon the issuance of public notice by the Memorial General Hospital District of the dissolution of said Hospital District, all of the assets and other property then held by said Hospital District shall be contributed and transferred to the Clarksville-Montgomery County Community Health Foundation, Inc., a Tennessee nonprofit corporations.

SECTION 3. The Memorial General Hospital District (in its own right and as the successor to the charitable interests of the following referenced entities: "Memorial Hospital", "Memorial General Hospital", "Clarksville Memorial Hospital", and "Clarksville Hospital, Inc.") is a beneficiary under the last will and testament of Gussie W. Burney, Finley E. Gracey, Maurice L. Hughes, William Arthur Plummer, Annie S. Plummer and Luther Tippit. From and after the time the said Hospital District gives public notice of the dissolution of said Hospital District, the Clarksville-Montgomery County Community Health Foundation, Inc., shall become the substitute beneficiary (replacing said Hospital District in all respects) under the last will and testament of Gussie W. Burney, Finley E. Gracey, William Arthur Plummer, Annie S. Plummer and Luther Tippit, and the Clarksville-Montgomery County Public Library shall become the substitute beneficiary (replacing said Hospital District in all respects) under the last will and testament of Maurice L. Hughes. Each such substitute beneficiary for said Hospital District named in this section shall be subject to such limitations as are imposed on said Hospital District under each such respective last will and testament or trust.

SECTION 4. This act shall have no effect unless and until approved by a two-thirds (2/3) vote of the County Commission of Montgomery County and the City Council of the City of Clarksville. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission of Montgomery County and the City Council of the City of Clarksville, respectively, and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

Passed: May 26, 2006.

HEALTH

INDIGENT CARE

PRIVATE ACTS OF 1947

CHAPTER 594

SECTION 1. That in any County of this State having a population of not less than 33,000 nor more than 33,400 by the Federal Census of 1940, or any subsequent Federal Census, the County Judge or Chairman of the County Court be, and is, hereby authorized and empowered to enter into such contracts with any reputable hospitals, located in said County, as may be deemed expedient or advisable and upon such basis, terms and conditions as may be mutually agreed upon for the purpose of securing the care and treatment of the indigent sick and/or injured persons in such County; provided, that no such contracts shall be made for a period of less than one year or more than five years, and that the contractual costs in no case shall exceed the aggregate maximum sum of Twenty-Nine Hundred (\$2,900.00) Dollars per annum; and, provided further, that all such contracts when consummated shall be approved and confirmed by the Quarterly County Court by proper resolution adopted in regular session and spread upon the minutes of the Court.

SECTION 2. That when any such contract shall have become effective and it is made satisfactorily to appear to the County Judge or Chairman of the County Court that some sick or injured person is unable to procure proper care and attention because of poverty, said County Judge or Chairman shall issue an order to said contracting hospital to receive said person for treatment as a county patient. And said hospital shall receive no such patient without such order except in case of emergency wherein it shall become the duty of the hospital to notify the County Judge or Chairman of the reception of such patient as early as possible thereafter.

SECTION 3. That when any such county patient is without the services of a regular physician and is unable because of poverty to employ one, it shall become the duty of the County Physician of said County to attend said patient and to administer such medical treatment as may be required during his or her retention in said hospital.

SECTION 4. That the funds necessary to meet the payments of said contracts be appropriated from the general revenue fund of the County and paid according to the tenor thereof by warrants issued by the County Judge or Chairman.

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

Passed: March 4, 1947.

HEALTH

INDIGENT CARE

PRIVATE ACTS OF 1947

CHAPTER 700

SECTION 1. That the County Judge or Chairman of the County Court in any County of this State having a population of not less than 33,300 nor more than 33,400 by the Federal Census of 1940, or any subsequent Federal Census, be and is hereby authorized to enter into agreements or contracts with any reputable and responsible person or persons or charitable institution or welfare organization in such County as may be deemed expedient and advisable and upon such terms and conditions as may be mutually agreed upon for the purpose of providing for the more efficient, equable and economic care of the poor and needy and indigent afflicted persons of the County who are not occupants of or eligible for admission to the County Poorhouse; provided, that no such agreements or contracts shall be made for a period of more than one year and the aggregate costs thereof may not exceed Two Thousand (\$2,000.00) Dollars per annum; provided, further, that all such agreements and contracts when made shall be ratified by the Quarterly County Court in regular session convened, and that when so ratified the County Judge or Chairman of the County Court have at all times discretionary powers in the direction and supervision thereof.

SECTION 2. That the moneys due and owing under such agreements and contracts be paid quarterly by the County Judge or Chairman of the County Court by warrants drawn upon the ordinary funds of the County, and as other County expenses are paid.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 7, 1947.

HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summary is included herein for reference purposes.

1. Private Acts of 1953, Chapter 99 as amended by Private Acts of 1955, Chapter 206; Private Acts of 1965, Chapter 21; Private Acts of 1967, Chapter 29; Private Acts of 1992, Chapter 154; Private Acts of 1994, Chapter 113 and Private Acts of 1996, Chapter 174, relative to the City of Clarksville and Montgomery County Memorial General Hospital District was repealed by Private Acts of 2006, Chapter 116.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS AND ROADS

COUNTY HIGHWAY SUPERVISOR

PRIVATE ACTS OF 1951

CHAPTER 284

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties thereof, having a population of not less than 33,340, nor more than 33,350 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census, the office of County Highway Supervisor, whose duties shall hereinafter be set out, and as prescribed for the "Supervisor" in Chapter 312, of the Private Acts of 1923, and amendments thereto.

SECTION 2. That the County Judge, or County Chairman, of such counties shall appoint such County Highway Supervisor, on the first Monday in April 1951, and submit such appointment to the Quarterly County Court, for ratification, and upon ratification, he shall serve under such appointment until the first day of September, 1952, or, until his successor is elected and qualified. Such County Highway Supervisor shall be elected by the qualified voters of such counties, at the August General Election in 1952, for a term of four years, thereafter. His term shall begin on September first, following his election.

SECTION 3. That in order to protect the road systems in such counties, and the public in general, against incompetency and inefficiency in the construction and maintenance of their roads, said Supervisor shall be a well qualified road man, and shall be either: a graduate Civil Engineer from an accredited Engineering School, with at least five years experience in building and maintaining public roads, and bridges, in a Supervisory capacity; or, he shall have had at least ten years of experience in building and maintaining public roads and bridges, in a Supervisory capacity. Without such qualifications, or more, no person shall be eligible to hold said office.

SECTION 4. That it shall be the duty of such Supervisor to keep the County Judge, and Board of Road Commissioners advised, as to the work being carried on, the expenditures being made, the general condition of the roads, and the progress being made on all road work in general, and in addition to this, he will perform all the duties prescribed for the "Supervisor" in Chapter 312, of the Private Acts of the General Assembly, 1923, and amendments thereto. It being an Act to create a Board of Highway Commissioners, for Montgomery County. (sic) Such duties, responsibilities, and provisions, as therein set out, with reference to the "Supervisor" are hereby imposed upon the County Highway Supervisor, whose office is created by this Act.

SECTION 5. That the Supervisor shall devote his entire time to the duties of his office, and that the counties shall furnish said Supervisor, suitable transportation while in the performance of his duties, and said Supervisor, shall receive for his services the sum of Forty-eight Hundred Dollars, (\$4,80.00) (sic) per annum, payable monthly, or bi-monthly, from the General Road Fund of the county, by vouchers signed by the County Judge, or Chairman.

As amended by: Private Acts of 1955, Chapter 263.

SECTION 6. That in the event of a vacancy in said office, caused by death, resignation or otherwise, the County Judge, or Chairman, shall appoint a Supervisor, with the approval of the County Quarterly Court, who shall serve until the next General Election, or until his successor is duly elected and qualified.

SECTION 7. That all laws and parts of laws, in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1951.

HIGHWAYS AND ROADS

COUNTY HIGHWAY SUPERVISOR

PRIVATE ACTS OF 1955

CHAPTER 399

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties of the State of Tennessee having a population of not less than 44,180 inhabitants nor more than 44,190 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census, the office of County Highway Supervisor, whose duties shall be hereinafter set out and defined.

SECTION 2. That at the regular election in 1964 a County Highway Supervisor shall be elected by a vote of the people for a term of four years commencing on September 1 next following such election. In the event of a vacancy in the office of County Highway Supervisor between the effective date of this enactment and September 1, 1964, a County Highway Supervisor shall be elected by the Quarterly County Court to serve until the next general election. At such general election a successor shall be elected by a vote of the people and the person receiving the highest number of votes at such election shall assume the office of County Highway Supervisor on September 1 following such election, and the person elected at such election shall serve until September 1, 1964.

As amended by: Private Acts of 1961, Chapter 304.

SECTION 3. That said County Highway Supervisor shall be twenty-one (21) years of age and be a resident of Montgomery County, Tennessee.

As amended by: Private Acts of 1961, Chapter 304.

SECTION 4. That it shall be the duty of such Supervisor to keep the County Judge, and Board of Road Commissioners advised as to the work being carried on, the general condition of the roads, and the progress being made on the road work in general, and in addition to this, he will perform all the duties prescribed for the "Supervisor" in Chapter 312, Private Acts of Tennessee, 1923, the same being an Act to create a Board of Highway Commissioners for Montgomery County. Such duties, responsibilities, and provisions, as therein set out, with reference to the "Supervisor" are hereby imposed upon the County Highway Supervisor, whose office is created by this Act.

SECTION 5. That the Supervisor shall devote his entire time to the duties of this office, and that the counties shall furnish said Supervisor suitable transportation while in the performance of his duties, and said Supervisor shall receive for his services the sum of Eight Thousand Five Hundred Dollars (\$8,500.00), per annum, payable monthly, or bi-monthly, from the General Road Fund of the County, by vouchers signed by the County Judge or Chairman.

As amended by: Private Acts of 1965, Chapter 108.

SECTION 6. That all laws and parts of laws, in conflict with this Act, be, and the same are hereby repealed, and that this Act take effect from and after its passage, upon its ratification by a two-thirds majority vote of the members of the Quarterly County Court of Montgomery County, Tennessee, on or before the regular meeting of said Court, which shall occur more than thirty days from and after the passage of this Act, the public welfare requiring it.

Passed: March 18, 1955.

HIGHWAYS AND ROADS

COUNTY HIGHWAY SUPERVISOR

PRIVATE ACTS OF 1967-68

CHAPTER 149

SECTION 1. That Chapter 399 of the Private Acts of 1955 of the State of Tennessee, the title to which is set forth in the title to this Act, and all acts amendatory thereto, be and the same is hereby amended so as to provide that the qualifications of the County Highway Supervisor of Montgomery County, Tennessee, shall be as follows:

Said County Highway Supervisor shall be a well qualified road man, and shall either (1) be a graduate Civil Engineer from an accredited Engineering School, or (2) have had at least five years of experience in building and maintaining public roads in a supervisory capacity. Without such qualifications, or more, no person shall be eligible to hold said office.

SECTION 2. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act not take effect unless and (sic) until approved by at least a two-thirds vote of the members of the Quarterly Court of Montgomery County, the public welfare requiring it. Its approval or non-approval shall be proclaimed by the presiding officer of the said Quarterly Court, and shall be certified by him to the Secretary of State.

Passed: May 9, 1967.

HIGHWAYS AND ROADS

HOT MIX ASPHALT PLANT

PRIVATE ACTS OF 1982

CHAPTER 334

SECTION 1. Montgomery County is hereby authorized to own and operate plants or facilities as it deems necessary for the manufacture or production of hot mix asphalt and crushed rock. Any such facilities shall be operated by the Montgomery County Highway Commission. Such hot mix asphalt and crushed rock shall be used for governmental purposes only. The County Highway Commission is hereby authorized to sell, trade, barter, loan or give away hot mix asphalt and crushed rock to other governmental entities such as municipalities and public school systems.

SECTION 2. If any clause or sentence or any part of this Act shall be held or declared unconstitutional, it shall not affect the remainder of this Act, notwithstanding any part held invalid, and to that end, the provisions of this Act are declared to be severable.

SECTION 3. 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 before May 15, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Montgomery County and certified by him to the Secretary of State.

SECTION 4. 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 3.

Passed: April 8, 1982.

HIGHWAYS AND ROADS

ROAD LAW

PRIVATE ACTS OF 1923

CHAPTER 312

SECTION 1. That there shall be created in Montgomery County, Tennessee, and in all counties thereof having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, a Board of Road Commissioners which shall be known as the "County Board of Highway Commissioners," to be composed as hereinafter stated, and whose duties and the manner whose election shall be as is hereinafter defined and provided for.

SECTION 2. That said County Board of Highway Commissioners shall consist of three members, who shall be taxpayers and freeholders of the county, of lawful age and of good business qualifications, but no one of whom shall be a member of the County Court; provided, that the Judge or Chairman of the County Court shall be an ex officio member of said Board; one of whom shall be selected as Supervisor and the other two as Associate Members of the Board and with whom the Judge or Chairman of the County Court shall serve in an advisory capacity. One of said Commissioners shall be chosen from that section of the county lying south of the Cumberland River and the other two from that section lying north of said river, one from the eastern and the other from the western portion thereof, so that no two shall be selected from and reside in any one portion of the county.

SECTION 3. That the Supervisor of Roads shall be elected by the people, and the Associate members of the Board of Highway Commissioners shall be elected by the County Court. The term of office of the Associate members shall be for four (4) years and shall correspond with the term of office for which the Supervisor is elected. The County Court shall elect the Associate members at the next regular term of the County Court following the date on which the Supervisor takes office.

In case of a vacancy on the Board occasioned by the death, resignation or removal of any Associate member, the County Court shall elect his successor for the remainder of the term of office.

As amended by: Private Acts of 1969, Chapter 190.

SECTION 4. That each of the Commissioners shall qualify by subscribing to an oath to perform his duty faithfully, impartially, without prejudice for or against any section of the County, or any individual, and for the best interests of said County, and shall give a good and solvent bond with sufficient security in such sum as may be fixed by the County Court, not in excess of Two Thousand (\$2,000.00) Dollars, for the faithful performance of the duties of his office and for accounting for all funds coming into his hands or under his control as a member of said Board, the cost of which shall be paid by warrant on the general road fund of said County as other road expenses are paid. The Commissioners shall each subscribe to the oath and make the

prescribed bond as soon as practicable after the date of their election or appointment as the case may be. The Board shall thereupon organize with the Supervisor as ex officio Chairman thereof. The Board may designate some person as Secretary. The Board shall have its office in such convenient building in Clarksville, Tennessee, the County seat, as the Board may designate, where all official meetings will usually be held and all the general business of the Board shall usually be conducted, and where all the official records and documents pertaining to the affairs and business of the Board shall be kept.

The Supervisor shall receive as compensation for his services the sum of Eight Thousand Five Hundred (\$8,500.00) Dollars annually during the remainder of the present term of office for which he has been elected, and thereafter he shall receive as compensation for his services annually an amount equal to the maximum amount allowed by law to be received by other elected County fee officials of Montgomery County.

Each associate member of the Board shall receive as compensation for his services the sum of One Thousand Eight Hundred Dollars (\$1,800) annually. The Judge or Chairman of the County Court shall receive no compensation for his services as an ex officio member of the Board.

For purposes of representation on the Board, Montgomery County is divided into three areas, one of which shall be comprised of all that portion of the County located south of the Cumberland River, one of which shall be comprised of all that portion of the county located north of the Cumberland River and north of the Red River, and one of which shall be comprised of all that portion of the county located north of the Cumberland River and south of the Red River. The associate members of the Board shall reside in the two areas in which the elected Supervisor does not reside.

The Supervisor shall have authority, in his discretion, to employ such clerical help as may be necessary for the proper maintenance of records and accounts of the Highway Department. The Board shall have authority in its discretion to employ legal counsel as needed and considered desirable, and the cost of such clerical help and legal counsel shall be paid out of the general road fund of the county as part of other road expenses on proper certification.

An associate member of the Board may be removed from office for malfeasance, misfeasance, nonfeasance or incompetency by the County Court in regular session, upon proper and competent evidence of same.

As amended by: Private Acts of 1955, Chapter 237,
Private Acts of 1969, Chapter 190,
Private Acts of 1992, Chapter 185,
Private Acts of 2008, Chapter 81.

SECTION 5. That said Board of Commissioners shall designate and fix the day and hour of the month at which time the regular meetings of the Board shall be held, which said meetings shall not be oftener than once in every two weeks; provided, that the Supervisor or Chairman of the Board, and in his absence the Vice-Chairman, may call special meetings thereof when in his judgment the public interest requires it; and it shall be the duty of each member of the Board to attend all meetings. Two members of said Board, however, shall constitute a quorum to transact business.

It shall be the duty of the Chairman to preside at all meetings of the Board, and in the absence of the Chairman, the Vice-Chairman shall preside and shall perform all the duties usual to such position. He shall inspect all vouchers presented to him to determine their correctness, and shall officially certify the same to the Judge or Chairman of the County Court for payment as is now provided by law. It shall also be the duty of the Chairman as Supervisor to prepare and present on behalf of said Board a report to each regular meeting of the Quarterly Court, which report shall show in detail the amount and sources of all funds which may have come into the hands or custody of said Board, the date when received and on what account, all the work done and costs of same, and all expenditures in detail, and any facts and figures which are deemed pertinent to the general condition of roads, ferries and bridges in said county and the working, maintenance, repairing and building thereof by said Board.

The Board shall keep and safely preserve in a well-bound book a record of all proceedings of the Board in session, and shall preserve all vouchers, stubs, accounts, etc., and these records shall be open at all times for the inspection of the public; and also shall keep a legible account of all funds and expenditures thereof on account of the roads, ferries and bridges of the county in the matter of running expenses, labor, material and equipment bought and sold.

SECTION 6. That the said County Board of Highway Commissioners shall take and have full charge and control of the public roads, ferries and bridges of the County, including but not limited to the repair, construction, improvement, maintenance and operation thereof, including the power to open and close roads, ferries and bridges, to condemn rights-of-way in the name of the County for road purposes, quarries, gravel pits, and dirt for the purpose of obtaining (sic) therefrom material for the construction and maintenance of said roads, ferries and bridges by eminent domain proceedings; to purchase on the credit of the County such machinery, equipment, materials and supplies as may be necessary for the proper construction, maintenance and repair of said roads, ferries and bridges; provided that the disbursing of the public road and bridge fund and the payment of all vouchers for road purposes shall be made by warrant of the Judge or Chairmen (sic) of the County Court drawn upon such funds as is by law provided, and all such machinery, equipment, materials and supplies shall be under the control of and subject to the orders of the Board.

It shall be the duty of the Board to adopt all matters of policy and rules and regulations necessary for the proper conduct of the business affairs of the Board in the operation and maintenance of the public road system of the County.

It shall be the duty of the Supervisor to (1) devote the whole of his time to the supervision of the public road system of the County, (2) direct and look after the proper construction, improvement and maintenance of the public roads, ferries and bridges of the County, (3) have personal supervision and charge of all personnel and employees of the Board in the operation of the public road system of the County, including specifically the authority to employ and discharge all such personnel and employees, and (4) in general implement and carry out all matters of policy, rules and regulations adopted by the Board for the operation of the public road system of the County.

It shall also be the duty of the associate members of the Board to visit and examine all such roads, ferries and bridges in the County at such times and as often as may be agreed upon and as may be necessary for them to familiarize themselves with the needs of the various

communities and the condition of such roads, ferries and bridges.

As amended by: Private Acts of 1969, Chapter 190.

SECTION 7. That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act, but the same shall be enforced without reference to the part so held to be invalid.

SECTION 8. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1923.

HIGHWAYS AND ROADS

ROAD LAW

PRIVATE ACTS OF 1927

CHAPTER 520

SECTION 1. That hereafter in Montgomery County, and all other counties of the State of Tennessee having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, the County Board of Highway Commissioners provided for by Chapter 312, of the Private Acts of 1923, shall have, and is hereby given, in addition to the powers conferred upon it by said Chapter 312, of the Private Acts of 1923, the right and power to locate, open, change, close or restore any public roads, ferries or bridges, either upon its own initiative or upon application of any five free-holders of the County by written petition, where the public welfare requires, in the manner and form as is herein provided.

SECTION 2. That all petitions provided for in Section 1 of this Act shall be filed with said Board of Commissioners within the time and upon the conditions provided by existing laws applicable to said county with relation to the filing of such petitions with the Quarterly Court. The said Board of Commissioners, upon due consideration thereof, approve or reject, for good cause shown, any such petitions. If approved, the said Board of Commissioners shall forthwith enter upon negotiations with the landowners affected by such petitions with the view of settling with them directly the questions of rights of way and incidental damages. And in the event settlement cannot be affected with any such landowners, the said Board of Commissioners may direct the Sheriff to summon three impartial free-holders as a jury of view who, after five days notice to the landowners, if they be residents, or ten days written or printed notice posted at the door of the County Court House if they be non-residents, shall go upon the premises described in the petitions and assess the damages and make due report thereof of said Board of Commissioners and the landowners so affected, either of whom may appeal from said verdict within ten days after its rendition to the next term of the Circuit Court, said proceeding to be in the name of the County or in the name of the said Board of Commissioners in the behalf and for the benefit of the County. In case of appeal by either or both parties, the said Board of Commissioners may proceed with the road work or other improvement sought to be done notwithstanding the pending litigation; provided, it execute to the land owners a bond in double the amount of the verdict of the jury of view, conditioned to pay any judgment and costs that may be rendered against the county by said Circuit Court. But said Board of Commissioners, upon its failure to make settlement with any landowners so affected, may proceed, in its discretion and without regard to the foregoing provisions, to a condemnation of the lands and interests in lands so involved under the laws of eminent domain as hereinafter provided.

SECTION 3. That said Board of Commissioners is hereby vested with the right of eminent domain and authorized and empowered, upon its own initiative and in all cases where the public welfare requires it, to take and appropriate lands and interest in lands situated within said County necessary for rights of way in the opening, changing or restoring any and all public roads, ferries and bridges therein and for quarries, gravel-pits and borrow-pits and rights of way

thereto for use in the construction, maintenance and repair of said public roads, ferries and bridges; provided, however, that the owners of lands and interests in lands so sought to be taken and appropriated shall be paid just compensation therefor as provided in Section 4 of this Act. Said condemnation proceedings shall be commenced by petition filed in the Circuit Court in the name of the County, or in the name of said Board of Commissioners in the behalf and for the benefit of said County, and shall be prosecuted in the manner provided in Sections 1326 to 1348, inclusive, of the Code of Tennessee.

SECTION 4. That the County Judge or the Chairman of the County Court, within thirty days after the termination of any of the proceedings provided for by this Act, the full amount of damage or damages and costs having been ascertained and fixed, shall pay to those entitled the full amount of their respective claims, such payments to be made in manner and form as is provided by Section 6 of said Chapter 312, Private Acts of 1923. And the said Board of Commissioners shall take deeds and, in proper cases, certified copies of decrees in the Circuit Court, duly authenticated, conveying to the county title to the properties so taken.

SECTION 5. That said Board of Commissioners shall keep full and complete minutes of all its Acts and doings and make detailed reports thereof to each Quarterly Court, filing with its reports and as a part thereof plats and full descriptions of all such lands and interest in lands taken over by the County under the provisions of this Act within the periods covered by the respective reports, which said reports shall be entered on the minutes of said court.

SECTION 6. That it is not intended by this Act to limit, abridge or repeal any existing law or laws relating to State Aid Roads or State and Federal Aid Roads, as now laid out or hereafter to be laid out in said County after same shall have been taken over and so designated, and the provisions of this Act shall apply to no such roads except by the consent, with the cooperation and under the jurisdiction of the State Department of Highways and Public Works.

SECTION 7. That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act; but the same shall be enforced without reference to the part so held to be invalid.

SECTION 8. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20, 1927.

HIGHWAYS AND ROADS

ROAD LAW

PRIVATE ACTS OF 1972

CHAPTER 347

SECTION 1. That Chapter 312 of the Private Acts of 1923, and all Acts heretofore passed amendatory thereto, be and hereby amended as provided herein.

SECTION 2. Any person, firm, partnership, or corporation desiring to engage in or do any work which requires or necessitates any change, alteration or damage to any of the public roads or highways of the County which are operated and maintained by Montgomery County and its Highway Commission, including the macadam of such roads and highways and the shoulders, ditches, drains, and foundations thereof, and also including the placing of side drains culverts along the sides thereof, shall, before any such work is done, apply for and obtain from the County Road Supervisor, or his duly appointed representative, in the manner and form as may be required by the County Road Supervisor, a permit granting such person, firm, partnership, or corporation, the right and privilege to perform such work. The County Road Supervisor may require the applicant to show the location, nature and extent of the work to be performed.

SECTION 3. The County Road Supervisor of Montgomery County shall have authority to require any such person, firm, partnership, or corporation applying for such permit to enter into a reasonable and proper bond, approved by the Supervisor, in such amount as the Supervisor may consider sufficient and proper, conditioned to insure that any damage occasioned to such public roads and highways by such work will be required and the said roads and highways restored to as good condition as they are in before such work is done.

SECTION 4. No person, firm, partnership or corporation shall do any work upon, under, across, along, or beside any of said public roads or highways of the County which will result in any change, alteration or damage thereto, without securing a permit and executing a bond, if required, as herein provided. Any person, firm, partnership, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation. Each day such permit is not obtained and such bond, if required, is not executed, after such work is begun shall constitute a separate offense and violation.

SECTION 5. The County Road Supervisor shall have the authority to designate the maximum tonnage or weight of automobiles, trucks, and other vehicles that are permitted to travel over and upon such public roads, highways, and bridges which are maintained by the Montgomery County Highway Commission and Montgomery County; and in case of a violation of the regulations prescribed in such instances, the person, firm, partnership, or corporation violating the same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3)

vote of the Quarterly Court of Montgomery County at or before the next regular meeting of the Court occurring more than thirty (30) days after its passage. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 7. 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 8. This Act shall take effect from and after its passage and approval, the public welfare requiring it.

Passed: March 29, 1972.

HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state. The counties with a population in excess of 200,000 (Shelby, Davidson, Knox and Hamilton) are excluded from this law.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. The qualifications of candidates for elected and appointed offices are reviewed by the Tennessee highway officials certification board. Qualified candidates for popular election are certified by this board to the state coordinator of elections who forwards this certification to the county election commission. T.C.A. § 54-7-104(a).

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is set at \$100,000 by T.C.A. § 54-7-108.

Most of the duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission. The chief administrative officer annually submits a county road list which includes a summary of all changes approved the previous year by the county legislative body and the reason for the change, and makes recommendations to the county legislative body respecting proposed changes to the county road list and the classification of roads. T.C.A. § 54-10-103.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

The following is a listing of acts which once had some effect upon the county road system in Montgomery County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1813, Chapter 45, authorized Samuel Smith of Montgomery County to erect a toll bridge across the Red River at a point near his ferry provided he did not obstruct the navigation on the river. The rate of toll could not exceed the ferriage set by the County Court.
2. Private Acts of 1829, Chapter 273, incorporated the Mouth of the Red River Bridge Company and authorized it to build a toll bridge in Clarksville. The toll charge could not exceed the rate of ferriage set by the County court.
3. Private Acts of 1832, Chapter 58, authorized Joseph B. Thomas and James H. Reynolds to construct a bridge across the Red River where the road leading from Clarksville to Russellville crosses the river. The act required the men to obtain the consent of H. P. Marr, the builder of the then existing bridge, and further, to accept responsibility for the payment of all the debts Marr and his company might owe. The County Court would appoint an acceptance committee of three freeholders to examine the bridge, when completed. The act set forth a schedule of tolls to be collected by the builders. A period of five years was allowed for completion of the bridge.
4. Private Acts of 1835-36, Chapter 55, granted an additional one year to James B. Reynolds to complete the bridge across the Red River on the road from Clarksville to Russellville.
5. Acts of 1847-48, Chapter 193, incorporated the Port Royal Turnpike Company for the purpose of building a turnpike road from Clarksville along the south side of Red River to Port Royal, then to the Nashville and Springfield Road. The turnpike was to be thirty feet wide with at least eighteen feet substantially graveled or macadamized. A tollgate could be erected every five miles. The act also incorporated the Clarksville and Hopkinsville Turnpike Company to build a turnpike from Clarksville to the Tennessee and Kentucky state line in the direction of Hopkinsville.
6. Acts of 1851-52, Chapter 266, authorized the building of a road from the intersection of the corporate limit of Clarksville and the Charlotte Road to a point near Rook's Ferry, a distance of two or three miles. The road could have one toll gate which charged one-half the lawful toll. In addition, the act created the Clarksville and Kentucky Turnpike Company to build a macadamized road from the main street in Clarksville to the Kentucky line.
7. Public Acts of 1881, Chapter 38, was a general road law for the State. Each County Court was required to divide its county into road districts and elect three commissioners for each district. All male inhabitants, over eighteen and under fifty years of age, in each county were required to work as road hands for not less than three nor more than six days per year. The act fixed the rate of property tax for road purposes, and set forth procedures for a detailed system of operating county roads.
8. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court would select one Road Commissioner for a two year term from each Civil District which were called Road Districts for the purposes of this Act. The Commissioner would be in charge of all roads, bridges, road hands, tools, and materials used in his area, and would be compensated at the rate of \$1.00 per day but for no more than ten days each year. The County Court would fix the price on one day's labor. The County Court could also levy a road tax of two cents per \$100

for each day of labor for the road hands. Road Commissioners would name and supervise the Road Overseers in their Districts who would be the immediate supervisors of their section of road, would work the same number of compulsory days and be paid up to \$6.00 per year for the days worked over that number. All males outside of the cities between the ages of twenty-one and forty-five were required to work on the roads. The Commissioners would hear and dispose of the petitions to open, close, or change a road, would classify and index the roads in their Districts and would see to it that the roads in their districts met the basic specifications established in the act. This act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906)

9. Acts of 1903, Chapter 64, abolished the road districts and the position of road commissioner in Montgomery County. The County Court was required to divide the County into road sections and appoint an overseer for each. The overseer had charge of all the road hands and the operation of the road system within their respective sections. The County Court was authorized to arrange for the County to purchase turnpikes and construct bridges, and to decide whether to collect tolls or to operate them as tax supported public roads and bridges. A total of 125 miles of dirt roads could be improved by paving and were then to be called County Highways. The improvements could be funded by promissory notes of the County and were to be decided upon by a committee of five members of the County Court referred to as the Committee on Improved Highways.

10. Acts of 1905, Chapter 17, amended Acts of 1903, Chapter 64, by requiring persons subject to road duty to perform the work required unless they commuted by May 10 of each year. The act also required the committee on Improved Highways to hire an engineer to supervise road repairs. The sum of \$62,500 was authorized to be expended by the committee for selected road improvements. All road work would be under the supervision of a foreman selected by the committee. No more than one foreman would be selected for any one Civil District. All persons subject to road duty would be supervised by the foreman in their respective Civil Districts.

11. Acts of 1907, Chapter 369, amended Acts of 1903, Chapter 64, and Private Acts of 1905, Chapter 17, by abolishing the position of Road Overseer and assigning the overseers' duties and responsibilities to the foremen of the several districts.

12. Acts of 1909, Chapter 137, amended Acts of 1903, Chapter 64, above, and Acts of 1905, Chapter 17, above, by requiring the selection of a foreman for each road section of Montgomery County, rather than each Civil District. The foreman would be under the supervision of the Highway Committee and would notice and assemble the road hands for work and maintain the roads of the respective sections. The deadline for commutation was changed to July 1, after which date no person could substitute payment for work. An additional ad valorem tax for road purposes was allowed in the County. In addition, the act required all persons traveling the highways with engines or machines weighing more than two and one-half tons to carry with them four planks, each a minimum of two x twelve x ten, for the purpose of bridge crossing. The planks were to be laid in front of the machine during the crossing. Violation of this requirement was a misdemeanor carrying a penalty of a five to twenty-five dollar fine.

13. Private Acts of 1911, Chapter 308, amended Acts of 1903, Chapter 64; Acts of 1905, Chapter 17; Acts of 1907, Chapter 369, and Acts of 1909, Chapter 137, by adjusting the population figures used in the acts following the 1910 Federal Census.

14. Private Acts of 1915, Chapter 393, amended Private Acts of 1909, Chapter 137, by raising the commutation rate to seventy-five cents per day, payable to the County Trustee on or before May 1 of each year.

15. Private Acts of 1917, Chapter 243, required each wagon owner in Montgomery County to place his wagon in the service of the County, together with a team and driver, for five days of each year. The commutation was fixed at \$3.00 per day.

16. Private Acts of 1919, Chapter 203, was a comprehensive and lengthy road law for Montgomery County. The act empowered the Quarterly Court with general authority over the public roads and bridges. The County Judge or Chairman would direct all road work and was empowered to appoint overseers for each road section. The boundaries of the sections were to be determined every two years with each Civil District containing no less than three nor more than seven. All males residing outside incorporated towns were made subject to road duty of five days per year if between the ages of eighteen and fifty years. Commutation was available at seventy-five cents per day payable on or before June 1 of each year. Obstructing a road, bridge or ferry, driving a vehicle with a locked wheel on a bridge, and failing to use planks in crossing a bridge with heavy machinery were each declared to be a misdemeanor. A road tax of from ten to fifty cents on each \$100 of value of taxable property could be assessed by the County Court to pay for the roads and emergency borrowing was authorized. Under the direction of the County Judge, workhouse prisoners could be worked on the roads or could be provided for labor under contract with the proceeds going to the general road fund. The County Judge was given the power of eminent domain to condemn lands necessary for locating highways, bridges, rock quarries, and gravel beds.

17. Private Acts of 1921, Chapter 108, amended Private Acts of 1919, Chapter 203, by increasing the rate of commutation payable by persons under a duty to perform road work to \$1.00 per day and by increasing the fine for failure to perform road work to \$5.00 per day.

18. Private Acts of 1923, Chapter 22, required all owners of wagons and teams not residing within an incorporated town and those within an incorporated town who used the public roads for hauling for profit to furnish the wagons and teams with harness to work on the County roads.

19. Private Acts of 1927, Chapter 245, authorized the Board of Highway Commissioners to make assignments for all persons liable for road duty either as road hands or as owners of horses and wagons. They would be assigned to work the sections of roads nearest their homes if possible. The County Tax Assessor would return to the Commission a list of names of all the people subject to road work from which the actual work details would be made.

20. Private Acts of 1931, Chapter 127, repealed Private Acts of 1923, Chapter 22 in its entirety.

21. Private Acts of 1931, Chapter 405, amended Private Acts of 1921, Chapter 108, by decreasing the commutation fees to sixty cents per day.

22. Private Acts of 1933, Chapter 18, amended Private Acts of 1919, Chapter 203, and its amendatory acts, by raising the minimum age for persons who were required to work on County roads from eighteen years to twenty one years.

23. Private Acts of 1935, Chapter 468, repealed the following: Private Acts of 1919, Chapter 203, Sections 10, 11, 12, 13, and 14, as amended by Private Acts of 1921, Chapter 108; Private Acts of 1931, Chapter 403; Private Acts of 1933, Chapter 18. The act stated that it intended to exempt all males in Montgomery County from compulsory public road duty and the payment of commutation fees in lieu of the road duty. Private Acts of 1931, Chapter 403, applied to Civil District boundary lines in Hardin County, but was repealed by this act also.

24. Private Acts of 1949, Chapter 212, required the Election Commissioners of Montgomery County upon proper petition to hold an election to determine the will of the voters on the question of whether a County Road Supervisor should be popularly elected.

25. Private Acts of 1976, Chapter 282, amended Private Acts of 1923, Chapter 312, reprinted above, by changing the system of compensation for associate members of the County Board of Highway Commissioners so that the members received a per diem allowance equivalent to that received by members of the Quarterly County Court. This act was not approved locally and did not become effective.

26. Private Acts of 1976, Chapter 287, amended Private Acts of 1923, Chapter 312, by increasing the compensation of the associate members of the County Board of Highway Commissioners from \$500 to \$1,000. This act was not approved locally and did not become effective.

27. Private Acts of 1979, Chapter 72, created the County Board of Highway Commissioners composed of three members. Two members would be appointed by the Board of County Commissioners and one member would be elected at large and would also serve as the Director of Public Works. The new Board would have authority over the repair, construction, improvement, maintenance and operation of the roads, bridges and ferries in the County with the power of eminent domain and the power to open and close roads, bridges, and ferries. The Board would designate maximum tonnage of vehicles traveling the roads, bridges, and highways of the County. The act was not approved locally and did not become effective.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

PRIVATE ACTS OF 1973

CHAPTER 111

SECTION 1. That the Montgomery County Workhouse in Montgomery County and heretofore named the "Montgomery County Penal Farm" by the Montgomery County Quarterly Court, be hereby officially named the "Montgomery County Penal Farm" by this General Assembly, and authority is given to keep the necessary records as well as taking any other action deemed necessary for Montgomery County to make claim against the State of Tennessee for keeping State Prisoners in said Montgomery County Penal Farm in the amount as set out in Section 41-1143 of Tennessee Code Annotated.

SECTION 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Montgomery County within thirty (30) days from the passage of this act. Its approval or nonapproval shall be proclaimed by the presiding officer of the Montgomery County Quarterly County Court and certified by him to the Secretary of State.

SECTION 4. 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 3.

Passed: April 26, 1973.

LAW ENFORCEMENT

JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106. Two or more counties may enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties under T.C.A. §§ 5-7-105, 41-4-141, and 41-2-151. Each county that is a party to an interlocal agreement for a jointly operated jail would no longer be required to maintain a separate jail.

The following acts once affected jails and prisoners in Montgomery County, but are no longer operative.

1. Acts of 1806 (Ex. Sess.), Chapter 43, appointed as commissioners, James Elder, Hugh Bell, John Shelby, Henry Small, and Charles Stewart, and authorized them to fix a site in Clarksville and erect a courthouse and a prison for the District of Robertson. Montgomery County would levy a tax for the year 1807 and for two years thereafter to pay for the construction. Robertson, Dickson, and Stewart Counties would also levy a tax to defray a portion of the expenses of building the prison.
2. Acts of 1809, Chapter 50, amended Acts of 1806 (Ex. Sess.), Chapter 43, by appointing Joseph Woolfolk to replace Hugh Bell as Commissioner for the courthouse and prison and providing that if additional vacancies were to occur, they were to be filled by the remaining commissioners.
3. Acts of 1809, (Sept. Sess.), Chapter 66, amended Acts of 1806 (Ex. Sess.), Chapter 43, above, by authorizing Montgomery County to levy additional taxes to pay for the courthouse and prison and directing the Counties of Robertson, Dickson, Hickman, Stewart, and Humphreys to levy additional taxes to pay their proportional share of the expenses for the prison.
4. Private Acts of 1826, Chapter 82, allowed the County Court of Montgomery County to levy a tax for the purpose of repairing the county jail or building a new one.
5. Public Acts of 1867-68, Chapter 77, provided that the Jailer of Montgomery County would be elected by the qualified voters for two-year terms.
6. Public Acts of 1883, Chapter 111, directed the County Court of Montgomery County to elect three persons to be Commissioners of the county jail along with the County Judge. The commissioners would have complete jurisdiction and control of the jail and workhouse. They would employ a physician to attend the inmates, examine and approve all accounts for clothing and supplies, work prisoners on the roads with the approval of the District Road Commissioners, or place them at other employment not dangerous or injurious to their health. They were to appoint a superintendent to supervise the jail. The act was declared invalid by the Court because of its defective title in an unreported case styled Staten v. Montgomery County which is cited in Collier v. Montgomery County, 103 Tenn. 705, 54 SW 989, 991 (1900).

7. Public Acts of 1889, Chapter 155, provided for the control and management of the jail and workhouse, and the prisoners therein. The act contained most of the provisions of the 1883 Act, above, and also authorized the County Court to appoint a superintendent of the jail and workhouse who would be the Sheriff of the County, if the Sheriff properly notified the County Judge of his intention to fill the office. This Act was the basis of litigation in the case of Collier v. Montgomery County, 103 Tenn. 705, 54 SW 989 (1900). It was held invalid on the grounds that it unconstitutionally deprived the sheriff of custody of prisoners not convicted and sentenced to the workhouse.

LAW ENFORCEMENT

MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

Those acts once affecting Montgomery County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1803, Chapter 1, constituted an early and complete military code for the local armed forces of the State. It included a Table of Organization and the regulations appertaining to all phases of military functions. Montgomery County would compose the 24th Regiment.

2. Acts of 1809 (Sept. Sess.), Chapter 89, was a lengthy amendment to the militia law. Several regulations were set forth. For example, an officer could be fined five dollars for not appearing for roll call at the regimental muster.

3. Acts of 1815, Chapter 119, was a new statewide military code for Tennessee. The Table of Organization established all of the county units then existing in Tennessee. The Montgomery County Militia constituted the 24th and the 50th Regiments, parts of the 6th Brigade. All men ages eighteen to forty were declared members of the militia.

4. Public Acts of 1819, Chapter 68, revised and amended many parts of the State's Militia Law. Montgomery County retained its 24th Regiment and its 50th Regiment. The 24th Regiment would call and hold its annual Regimental muster and drill on the fourth Friday in September and the 50th Regiment would do the same on the first Friday in October. The remainder of this long and involved law addressed itself to the details of organization, operation, logistics, and discipline of the entire military structure of the State.

5. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five years would constitute the State Militia. Some persons were exempted including judges, ministers of the gospel, grist mill keepers, public ferry men, and mail carriers. The times for muster for Montgomery County's 24th and 50th Regiments remained the same as ordered in the 1819 act, above. Many changes were made to the military system of a technical or organizational nature.

6. Public Acts of 1835-36, Chapter 21, was a reorganization of the state militia law. Montgomery County's Regiments were numbered as the 91st and 92nd. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three Sergeants, three corporals, and no less than forty-five privates. The 91st and 92nd Regiments formed part of the 15th Brigade which was in the 2nd Division. The State had four Divisions.

7. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Montgomery County would convene and drill its units on the first Friday and Saturday in September. Montgomery, Humphreys, and Stewart Counties' units would compose the Fifteenth Brigade.

8. Acts of 1839-40, Chapter 56, limited membership in the militia of the State to white, male, inhabitants between the ages of eighteen and forty-five, with some exceptions specified. The Organizational Table did not make any changes in the regiments of Montgomery County, and scheduled muster on the first Thursday in October for the 91st Regiment and the following Saturday for the 92nd Regiment.

LAW ENFORCEMENT

OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

LAW ENFORCEMENT

SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. The qualifications for the office of sheriff are more stringent than for most county offices. These qualifications are detailed in T.C.A. § 8-8-102. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined in accordance with T.C.A. § 8-24-102. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 *et seq.* Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement, county jails and workhouses.

The following acts have no current effect but are included here for reference purposes since they once applied to the Montgomery County Sheriff's Office.

1. Acts of 1903, Chapter 69, declared that the Montgomery County Sheriff would not be required to give an additional bond on account of his duties regarding the newly created Criminal Court.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, authorized the Sheriff to appoint one First or Chief Deputy, at a salary of \$150 monthly.
3. Private Acts of 1933, Chapter 600, fixed the salary of the Montgomery County Sheriff at \$3,600 annually. In the event the fees and commissions collected by the office equalled or exceeded that amount, the excess would be turned over to the Public Treasury, but if such fees and commissions amounted to less than \$3,600 then the Sheriff's salary would be the lesser amount.
4. Private Acts of 1935, Chapter 812, provided a schedule of salaries for several officials of Montgomery County, the Sheriff's being fixed at \$3,600 per year.
5. Private Acts of 1941, Chapter 427, authorized the Sheriff to appoint two Deputies of his own choice who would receive, in addition to the fees allowed by law, a salary of \$80 monthly paid out of County funds on warrant from the County Judge. The Sheriff was not precluded from hiring other Deputies but they would be paid only the legal fees for work actually done. The Deputies would be required to submit a detailed report showing that they had met all the conditions of the act and had devoted their full time to the duties of office.
6. Private Acts of 1949, Chapter 115, amended Private Acts of 1941, Chapter 427, by increasing the salary of the two Deputies from \$80 monthly to \$125 monthly.
7. Private Acts of 1951, Chapter 135, authorized the Sheriff of Montgomery County to appoint four Deputies of his own choice, one of whom would be assigned to duty in the District

Attorney's office. Each Deputy was to be paid \$150 a month over and above the fees then allowed by law.

8. Private Acts of 1953, Chapter 249, authorized the Sheriff to appoint seven Deputies of his own choice, one of whom would be Chief Deputy. A salary of \$175 per month would be paid the Deputies.

9. Private Acts of 1957, Chapter 154, amended Private Acts of 1953, Chapter 249, allowing the Sheriff to appoint eight Deputies of his own choice, each to receive a salary of \$200 a month in addition to their ordinary fees.

10. Private Acts of 1976, Chapter 262, made it unlawful in Montgomery County for any person except a law enforcement officer duly authorized to make arrests and holding a first, second, or third class radio operator's license, or a member of the Sheriff's Department, or a member of a police force to have in his or her possession or to have installed in a motor vehicle any mobile radio or any other apparatus capable of receiving or transmitting messages or signals on the same wave length or frequency as that assigned to police radios. The act was not approved by local authorities and did not become effective.

CHAPTER XI - TAXATION

TAXATION

ASSESSOR OF PROPERTY

PRIVATE ACTS OF 1953

CHAPTER 77

SECTION 1. That in the counties having a population of not less than 44,100, nor more than 44,200, according to the Federal Census of 1950, or any subsequent Federal Census, there is hereby provided a more efficient method of assessing the taxable property in such counties for State and County purposes.

SECTION 2. That every conveyance in writing of real property, located within the county, excepting mortgages and deeds of trust, shall be presented to the Tax Assessor or duly authorized Deputy Tax Assessor of such counties wherein said property is located for notation of the change or changes in ownership occasioned by said conveyance. Upon presentment it shall be the duty of the Tax Assessor or Deputy Tax Assessor to note the information, as outlined herein, in a well-bound book to be furnished by said counties. Said book shall show the names of the grantors or lessors; the names of the grantees or lessees; the number of acres or town lots conveyed; whether there are buildings, dwellings, or other improvements on said property; whether the number of acres or lots conveyed be all or a portion of the property previously assessed in the name of the grantors or lessors thereof the general boundaries of said property in accordance with the abutting or adjacent owners of said property; and under the title "Remarks" show such other information as will enable the County Tax Assessor or Deputy Tax Assessor to keep current records of his office to the end that all real estate shall be assessed for taxation in the name of the true owner or in the name of the person or persons responsible for the payments on the taxes.

SECTION 3. That no conveyance in writing of real property, except mortgages and deeds of trust, shall be received by the Register of any county under this Act for registration unless it bears a stamp or notation evidencing that such conveyance has been presented to the Tax Assessor or Deputy Tax Assessor, together with the date of said presentment and a signature or initial of the Tax Assessor noted thereon.

SECTION 4. That mortgages, deeds of trust, or other like instruments are specifically exempt from the provisions of this Act.

SECTION 5. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 6. That in the event any section or part of any section of this Act shall be held invalid, the remainder of the Act shall not be invalidated, but shall remain in full force and effect.

SECTION 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 3, 1953.

TAXATION

ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Montgomery County Assessor.

1. Private Acts of 1911, Chapter 196, amended Acts of 1907, Chapter 602, by authorizing the Montgomery County Quarterly County Court to fix the salary of the County Tax Assessor at \$1,800 to \$2,000 per annum.
2. Private Acts of 1913, Chapter 183, fixed the annual salary of the Tax Assessor in Montgomery County at \$1,800 to be paid monthly out of county funds produced by the tax levy for County purposes.
3. Private Acts of 1919, Chapter 798, authorized the County Court to fix the salary of the Tax Assessor at not less than \$1,800 nor more than \$2,500 annually to be paid from the County Treasury.
4. Private Acts of 1921, Chapter 871, authorized the County Court of Montgomery County to fix the salary of the Tax Assessor at not less than \$1,800 nor more than \$3,500 annually.
5. Private Acts of 1937, Chapter 890, established the salary of the Tax Assessor of Montgomery County at no more than \$2,500. The Assessor could employ as many deputies as he considered essential but would pay them out of his salary.
6. Private Acts of 1945, Chapter 593, provided that the Tax Assessor in Montgomery County would receive a salary of \$2,500 in even numbered years when only assessments of personal property, polls, and privileges were assessed and \$3,000 in odd years when real estate assessments were made. The act authorized the Assessor to appoint deputies with the provision that he pay them out of his salary.
7. Private Acts of 1949, Chapter 739, amended Private Acts of 1945, Chapter 593, above,

by increasing the compensation of the Tax Assessor of Montgomery County to \$3,000 in even numbered years and \$3,500 in odd numbered years.

8. Private Acts of 1951, Chapter 440, set the salary of the Tax Assessor in Montgomery County at \$5,000 annually, and authorized him to employ one deputy assessor in odd numbered years, when all the assessments had to be made. Such deputy would be paid \$1,800 per year from County funds. Any additional deputies would not be paid by the County but the Assessor was authorized to appoint any number of deputies.

9. Private Acts of 1953, Chapter 234, amended Private Acts of 1951, Chapter 440, by providing for one Deputy Tax Assessor in Montgomery County on a full time basis at a salary of \$2,500 annually.

10. Private Acts of 1959, Chapter 252, amended Private Acts of 1951, Chapter 440, by fixing the salary of the Tax Assessor at \$6,500 annually.

11. Private Acts of 1959, Chapter 253, amended Private Acts of 1951, Chapter 440, and authorized an expense account for the Montgomery County Tax Assessor of not more than \$1,500 annually, provided an itemized and sworn account of his expenses were filed at the end of the fiscal year.

12. Private Acts of 1965, Chapter 109, amended Private Acts of 1951, Chapter 440, above, by increasing the compensation of the Tax Assessor to \$8,500 annually and by authorizing the appointment of one or more deputy tax assessors whose compensation would be fixed by the County Court and paid by the County.

TAXATION

ADEQUATE FACILITIES TAX

PRIVATE ACTS OF 2004

CHAPTER 90

SECTION 1. This act shall be known and may be cited as the “Montgomery County Adequate Facilities Tax”.

SECTION 2. As used in this act, unless a different meaning clearly appears from the context:

(1) “Board of Construction Appeals” means the board established in Montgomery County pursuant to the requirements of the Southern Building Code Congress International.

(2) “Building Permit” means a permit for a single family or multi-family residential development or any use containing dwelling units as defined below which is issued in Montgomery County, whether by the county or by any city therein.

(3) “Certificate of Occupancy” means a license for occupancy of a building or structure issued in Montgomery County, whether by the county or by any city therein.

(4) “Condominium” means a building, or group of buildings, in which the dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

(5) “County Building Commissioner” means the person appointed by the County mayor charged with directing the building and codes department.

(6) “Development” means the construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which creates one or more new dwelling units, and includes recording an approved plat for a lot or lots to be used for a single-family or multi-family dwelling unit or units.

(7) “Dwelling Unit” means a room or rooms, connected together, constituting a separate, independent, housekeeping establishment for owner occupancy, rental or lease, on a daily, weekly, monthly, or longer basis; physically separated from any other room, rooms or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

(8) “Governing Body” means the board of county commissioners of Montgomery County, Tennessee.

(9) “Lot” means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon.

(10) “Multi-Family Dwelling” means a building containing two (2) or more dwelling units, including units that are located one over the other.

(11) “Person” means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, in the plural as well as the singular number.

(12) “Place of Worship” means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions, or which are intended to be leased, rented, or used by persons who do not have tax-exempt status.

(13) “Plat” includes any plat, plan plot, replot or replat where the same creates additional lots.

(14) “Public Facility or Facilities” means a physical improvement undertaken by the federal, state, county, or city governments, including, but not limited to, the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities, and other governmental capital improvements benefiting the citizens of the county or city.

(15) “Residential” means the development of any property for a dwelling unit or units or any structure, including a mobile home, built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind.

(16) “Single-Family Dwelling” means a building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

(17) “Townhouse” means a single-family dwelling unit constructed in a series or group of attached units with property lines separating each unit.

SECTION 3. It is the intent and purpose of this act to impose a tax on new residential development in Montgomery County so as to ensure and require that the persons responsible for the new development share in the burdens of growth by paying their fair share for the cost of expanded school services and facilities made necessary by such development.

SECTION 4. Engaging in the act of development within Montgomery County, except as provided in Section 6, is declared to be a privilege upon which Montgomery County may levy a tax at the rate set forth in Section 7.

SECTION 5. The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations, and forms necessary to properly implement, administer, and enforce the provisions of this act.

SECTION 6. This act shall not apply to:

(1) A lot or structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code;

(2) Nonresidential facilities;

(3) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided, that the permanent structure is a residence for the owner and occupant of the mobile home and the owner and occupant has resided on the property;

(4) Places of worship;

(5) Public buildings;

(6) Replacement structures for previously existing habitable structures destroyed by fire or other disaster, or voluntarily demolished, when the building permit is issued within twenty-four (24) months of being destroyed or demolished. This exemption applies only to the number of units destroyed or demolished.

(7) Platted lots of record, meaning a lot or lots that exist as shown or described on a plat in the records of the local register of deeds, and which was recorded prior to the effective date of this act; or

(8) Any lot on which the tax imposed pursuant to this act has been previously paid.

SECTION 7. For the exercise of the privilege described herein, the governing body imposes a tax of two hundred fifty dollars (\$250) on each lot to be used for a single-family residential dwelling unit or units or multi-family dwelling unit or units, and a tax of two hundred fifty dollars (\$250) on each single-family residential dwelling unit or units or multi-family dwelling unit or units, increasing six percent (6%) annually to a combined maximum of one thousand dollars (\$1,000) as follows:

(1) That portion of the tax imposed on each lot to be used for a single-family or multi-family dwelling unit or units shall be collected by the Montgomery County register of deeds, at the time the approved plat is recorded.

(2) That portion of the tax imposed on each single-family or multi-family dwelling unit or units shall be collected by the Montgomery County building and codes department at the time the building permit is issued.

(3) In the event a single-family or multi-family dwelling unit is placed upon property and a plat is not required by applicable provision of the general law, that portion imposed on each lot shall be collected by the Montgomery County building and codes department at the time the building permit is issued.

(4) For condominiums or townhouses where each dwelling unit is individually

owned, each separate unit shall be taxed at the combined rate of five hundred dollars (\$500) and collected by the Montgomery County building and codes department at the time the building permit is issued.

(5) The initial tax shall be increased annually by six percent (6%) as follows:

Fiscal Year Beginning	Combined Rate	Rate Per Lot Dwelling Unit	Rate Per Dwelling Unit
(Initial Tax)	\$ 500.00	\$250.00	\$250.00
July 1, 2005	530.00	265.00	265.00
July 1, 2006	562.00	281.00	281.00
July 1, 2007	596.00	298.00	298.00
July 1, 2008	632.00	316.00	316.00
July 1, 2009	670.00	335.00	335.00
July 1, 2010	710.00	355.00	355.00
July 1, 2011	752.00	376.00	376.00
July 1, 2012	798.00	399.00	399.00
July 1, 2013	846.00	423.00	423.00
July 1, 2014	896.00	448.00	448.00
July 1, 2015	950.00	475.00	475.00
July 1, 2016	1,000.00	500.00	500.00

SECTION 8. Proceeds from the tax levied herein shall be applied to school services, capital projects, or the related debt service for new school construction including the renovation of and additions to existing school facilities as appropriated annually by the Montgomery County board of commissioners.

SECTION 9. The county building commissioner shall collect that portion of the tax established in this act to be collected at the time of application for a building permit. If the county issues the building permit, the county building commissioner or other responsible official shall receive payment in full in cash or other negotiable instrument as specified by resolution of the county and as approved by the county attorney. If the building permit is issued by one of the incorporated cities of Montgomery County, the city shall, before issuance of the building permit, require evidence by a valid certificate executed by the county building commissioner, that the full amount of the tax due the county has been paid. The issuance of a building permit by any city official, without the certificate from the county that the tax has been paid, shall render the city liable to the county for the sum or sums that would have been collected by the county had the certificate of tax paid been required by the city.

SECTION 10. The authority to impose this privilege tax on new development in Montgomery County is in addition to all other authority to impose taxes, fees, assessments, or other revenue raising or land development regulatory measures granted either by the private or public acts of the state of Tennessee, and the imposition of the tax, in addition to any other authorized tax, fee assessment or charge, shall not be deemed to constitute double taxation.

SECTION 11. Any person aggrieved by the decision of the county building commissioner or other responsible official concerning any aspect of this act may obtain review of the official's decision in the following manner:

(1) By payment of the disputed amount to Montgomery County and by notifying the official that the payment is made under protest.

(2) By requesting an appeal of the decision of the official in written form within thirty (30) days of the protest and payment. Appeals shall be heard by the Montgomery County board of construction appeals. Hearing shall be scheduled within forty-five (45) days of the written request for appeal.

The board of construction appeals shall render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the board for further information.

The board of construction appeals shall act as a quasi-judicial body whose purpose is to determine the intent of this act, its applicability to the appellant, and to rule upon the interpretation of the official.

The board will not be bound by formal rules of evidence applicable to the various court of the state.

Hearings before the board shall proceed as follows:

(1) The county building commissioner or other responsible official shall explain the ruling and the reason for the ruling.

(2) The appellant shall explain the reasons for protesting the ruling.

(3) The board may request further information from any county official, including, but not limited to, the county mayor, county commissioners, or committee members, the county attorney, or the county planning staff. The board will not have the power of subpoena.

(4) The board will deliberate and render a decision by a majority vote. Decisions will be reduced to writing and copies shall be sent to all parties and shall become a part of the minutes of the board. Decisions of the board of construction appeals shall be final, except that either the county building commissioner, other responsible official, or the person aggrieved may seek review of the board's action by certiorari and supersedeas to the chancery court of Montgomery County, Tennessee, provided that an application to the court is made within sixty (60) days of the written decision of the board.

SECTION 12. The provisions of this act shall in no manner repeal, modify, or interfere with the authority granted by any other public or private law applicable to Montgomery County. This act shall be deemed to create an additional and alternative method for Montgomery County to impose and collect taxes for the purpose of providing public facilities.

SECTION 13. 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 14. 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 such officer to the secretary of state.

SECTION 15. 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 July 1, 2004, subject to local approval as provided in Section 14.

Passed: March 15, 2004.

TAXATION

HOTEL- MOTEL TAX

PRIVATE ACTS OF 1979

CHAPTER 167

SECTION 1. Definitions. For the purpose of this act:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) County. "County" means Montgomery County, Tennessee.

(g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. Authority to Levy Tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five percent (5%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as hereinafter provided.

As amended by: Private Acts of 2000, Chapter 140.

SECTION 3. Tax Added to Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly

or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

When a person has maintained occupancy for thirty (30) continuous days, he shall receive from the operator refund or credit for any tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 4. Remittance to Trustee.

(a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the county, to the county trustee, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for and remitting the tax authorized by this act, said operator shall be allowed two percent (2%) of the amount of tax due and accounted for and remitted to the trustee in the form of a deduction in submitting his report and paying the amount due by him; provided the amount due was not delinquent at the time of payment.

SECTION 5. Rules and Regulations. The trustee or other authorized collector of the tax authorized by this act shall be responsible for the collection of said tax. A monthly tax return under oath shall be filed with the trustee by the operator with such number of copies thereof as the trustee may reasonably require for the collection of said tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the trustee and approved by the Board of County Commissioners prior to use. The trustee shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the Board of County Commissioners. The Board of County Commissioners is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act.

SECTION 6. Offer to Absorb Tax Prohibited. No operator of a hotel should advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the county trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refused to pay the tax payable to the county trustee.

SECTION 8. Records. It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the county trustee shall have the right to inspect at all reasonable times.

SECTION 9. Administration. The county trustee in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

For his services in administering and enforcing the provisions of this act, the county trustee shall be entitled to retain as a commission one percent (1%) of the taxes so collected, or the actual cost of administration of the tax as required herein, whichever is greater.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. 67-3033, it being the intent of this act that the provisions of law with apply to the recovery of state taxes illegally assessed and collected under the authority of this act; provided further, the county trustee shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, for the county clerks. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by him under authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. Tourist Commission. For the purpose of promoting tourist and recreational activity, authorization is granted to Montgomery County to establish a Tourist Commission for the City of Clarksville and Montgomery County. The commission shall be composed of five (5) persons selected by and with the joint approval of the mayor of the City of Clarksville and the county executive of Montgomery County. One member of the commission shall be a person affiliated with the hotel-motel business and the remaining members shall be selected from a list of nine (9) persons submitted by the area Chamber of Commerce. Upon this act becoming effective, the initial term of office for such commissioners shall be staggered so that one (1) such appointee shall serve an initial term of one (1) year, two (2) such appointees shall serve an initial term of two (2) years, and two (2) such appointees shall serve an initial term of three (3) years, and, thereafter, all commissions shall be appointed for terms of three (3) years and vacancies shall be filled in the same manner that original appointments are made with the area Chamber of Commerce submitting two (2) names for each vacancy, but vacancies shall be filled for the duration of the unexpired term only. There shall be no prohibition upon a commissioner succeeding himself or herself subject, however, to being reappointed in accordance with the previous provisions of this section.

In the fiscal year beginning July 1, 2000, four (4) additional members shall be added to the Tourist Commission. The four (4) additional members shall be appointed as follows: As with the original members of the Tourist Commission, all these additional members shall be selected by and with joint approval of the County Executive of Montgomery County and the Mayor of the City of Clarksville. In order to maintain staggered terms of office, one (1) of these additional members shall initially be appointed to a term of office of one (1) year, two (2) members shall

initially be appointed to a term of office of two (2) years, and one (1) member shall initially be appointed to a term of office of three (3) years. After those initial terms, these appointments shall be filled in the same manner as those of the incumbent members of the Tourist Commission. Nothing in the act shall be deemed as abridging the terms of office of the incumbent members of the Tourist Commission. Apart from the differences in the length of their initial term of office, the additional members appointed to the Tourist Commission shall have all the same rights and privileges as the incumbent members of the Tourist Commission.

As relates to budgetary and fiscal matters and expenditures, the commission shall be subject to the same provisions of law as other board and commissions established by Montgomery County and said commission shall be responsible for preparing and submitting a programmed budget for all funds to be expended pursuant to the provisions of Section 11 of this act for approval by the Board of County Commissioners. The Tourist Commission shall be responsible for the expenditure of all funds derived from the tax authorized by this act and allocated for direct promotion of tourism.

As amended by: Private Acts of 2000, Chapter 140.

SECTION 11. Application and Allocation of Revenue. The proceeds of the tax authorized by this act shall be appropriated and distributed by the Board of County Commissioners as follows: (1) One-fourth ($\frac{1}{4}$) of the proceeds shall be placed in the general fund of the City of Clarksville, (2) One-fourth ($\frac{1}{4}$) of the proceeds shall be placed in the general fund of Montgomery County, (3) One-half ($\frac{1}{2}$) of the proceeds shall be placed in a Tourist Promotion Fund to be administered by the Clarksville-Montgomery County Tourist Commission established by this act, and shall be used for the promotion of tourism in Montgomery County. The proceeds of the tax authorized by this act shall not be used to provide a subsidy in any form to any hotel.

As amended by: Private Acts of 2000, Chapter 140.

SECTION 12. Severability Clause. The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this act shall continue to be in full force and effect, it being the legislative intent now hereby declared that this act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Board of County Commissioners of Montgomery County not before September 1, 1979, and not later than January 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and shall be certified by him to the Secretary of State.

SECTION 14. This act shall be effective for the purpose of approval by the county legislative body upon becoming a law, the public welfare requiring it. For all other purposes, this act shall be effective upon being approved as provided in Section 13 of this act.

Passed: May 17, 1969.

TAXATION

HOTEL-MOTEL TAX

The following act affected collection of the Hotel-Motel Tax in Montgomery County, but it was not approved locally and did not become effective.

1. Private Acts of 1980, Chapter 202, amended Private Acts of 1979, Chapter 167, reprinted above, by exempting military personnel from the obligation to pay the privilege tax on occupancy of a hotel or motel room. The act was not approved locally and did not become effective.

TAXATION

MOBILE STRUCTURES

PRIVATE ACTS OF 1972

CHAPTER 269

SECTION 1. For the purpose of this Act, the term "mobile structure" means any mobile home or any structure, which is constructed as a trailer or semi-trailer and designed either to be towed along the highways or to be parked off the highways and used temporarily or permanently, as a residence, apartment, office, storehouse, warehouse or any other commercial purpose; but shall not include self propelled vehicles, sleeping and camping facilities attached to or designed to be attached to or drawn by a pick-up truck or an automobile and which contains less than three hundred (300) square feet of enclosed space.

SECTION 2. All mobile structures permanently attached to land in Montgomery County by virtue of being on a foundation, or being underpinned, or connected with any utility service such as electricity, natural gas, water or telephone shall be subject to assessment and taxation as improvements to real property according to the provisions of Tennessee Code Annotated, Section 67-605.

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

SECTION 4. 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 purposes, it shall become effective upon being approved as provided in Section 3.

Passed: March 9, 1972.

TAXATION

MOTOR VEHICLE TAX

PRIVATE ACTS OF 1967-68

CHAPTER 283

SECTION 1. (a) That for the privilege of using the public roads and highways in Montgomery County, except state-maintained roads, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof a special privilege tax for the benefit of Montgomery County, which tax shall be in addition to all other taxes, and which shall be in the amount of twenty dollars (\$20.00) for each motor-driven vehicle. This tax shall apply to and shall be paid on each motor-driven vehicle, whose owner resides or usually stays in Montgomery County.

If the controlling provisions of Tennessee general law, including Tennessee Code Annotated, Section 7-51-702, are repealed or amended so as to permit counties to tax non-resident motorist for the privilege of using local roads, then such a tax shall be imposed in Montgomery County. Such tax shall be equal in amount to the tax levied on resident motorists.

(b) "Motor-driven vehicle", for purposes of taxation under this act, shall mean every device in, upon, or by which any persons or property is or may be transported or drawn upon a highway, which is not expressly excluded as herein follows. Expressly excluded from taxation under this act are devices moved by human power or used expressly upon stationary rails or tracks, farm tractors, self-propelled farm machines not usually used for operation upon public highways and roads, motor-driven bicycles and scooters, mobile homes, house trailers, and trailers without motive power designed to carry persons or property and to be drawn by a motor vehicle. No vehicle is exempted from taxation under this act unless it falls within one of the express exclusions above. Provided, further, that motorcycles are motor-driven vehicles for purposes of taxation under this act. "Motorcycle" shall mean every motor vehicle having a saddle for the use of the rider and designed to be driven on not more than three (3) wheels in contact with the ground but excluding a tractor or motorized bicycle, and this definition shall not be construed to exempt any motor-driven vehicle with more than three wheels on that criterion alone. Provided, further, that this Act shall apply to self-propelled motor homes.

As amended by: Private Acts of 1982, Chapter 290.

SECTION 2. The tax herein levied shall be collected by the County Court Clerk of Montgomery County at the same time that he collects the state privilege tax upon the operation of motor-driven vehicles over the public highways. The clerk shall not issue a state license for the operation of motor-driven vehicles to any person who does not purchase, at the same time, the appropriate license as hereinafter provided for the operation of a motor-driven vehicle under this Act. Payment of the license fee herein imposed shall be evidenced by a tax or emblem to be appropriately displayed upon some prominent part of the motor driven vehicle in question. The design of the emblem and the place and manner of display on the vehicle shall be determined by the County Court Clerk, and the expense incident thereto shall be paid from the County General

Fund. The tax herein levied shall entitle the owner of a motor-driven vehicle to operate the same from April 1 of each year to the next succeeding March 31; and the same proportionate reduction shall be made as it is now made in the case of state registration of motor-driven vehicles where such motor-driven vehicle is registered after April 1, for any reason whatsoever.

The privilege tax imposed for the use of the highways in Montgomery County and operation thereon shall not apply to nonresident military personnel. The county clerk shall not require such nonresident military personnel to pay the local motor vehicle privilege tax when such person is paying the state registration fee.

For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of 50 cents for each license so issued, to be collected from the person purchasing same. The Clerk shall faithfully account for, make proper reports of, and pay over to the Trustee of the Counties to which this Act applies at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, and such funds shall be applied as herein provided.

In the event any motor-driven vehicle for which the privilege tax have been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceases to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to said motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents as a privilege tax for reassignment of said decal, and a 50 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such County until the next following March 31st. Likewise, in the event a decal or emblem become obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such circumstances and facts to be true, then the Clerk, upon receipt from the owner of 50 cents as a privilege tax for replacement of said decal and a 50 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem.

As amended by: Private Acts of 1967-68, Chapter 346
Private Acts of 1982, Chapter 290
Private Acts of 1991, Chapter 113.

SECTION 3. That the proceeds of the tax herein imposed, when collected and paid into the hands of the County Trustee, shall be deposited in the General Purpose School Fund of the County and shall be used exclusively for public education.

As amended by: Private Acts of 1967-68, Chapter 346
Private Acts of 1982, Chapter 290.

SECTION 4. That it is the intent of the General Assembly that this Act be construed as a

measure providing for additional revenues in the Counties affected, to be used exclusively for the financing of the program of public education in such Counties.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any County to which it may apply on or before the next regular or special meeting of said Quarterly County Court after its approval by the Governor or after its otherwise becoming a law. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

That this Act shall have no effect unless the same shall have been submitted by resolution of the County Court to a referendum election of the people and approved by a majority of the qualified voters of said County voting in such referendum election held for said purpose. Within ten (10) days after the passage of such resolution by the County Court authorizing such referendum election, it shall be the duty of the County Board of Election Commissioners of the County to which this Act applies to call an election for the County to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the results shall be proclaimed by such Board and certified to the Secretary of State. The qualifications of voters shall be that provided by law for participation in general election held hereunder. The cost of said election shall be paid by the County to which this Act applies.

SECTION 6. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions hereof shall not become operative until validated as provided in Section 5 herein.

Passed: May 18, 1967.

TAXATION

MOTOR VEHICLE TAX

PRIVATE ACTS OF 1982

CHAPTER 290

COMPILER'S NOTE: Sections 1, 2, 3, and 4 of the act amend Private Acts of 1967-68, Chapter 283, and are incorporated into that act which is reprinted above.

SECTION 5. The tax provided for in this act applies to and shall be paid on motor-driven vehicles owned by a manufacturer or dealer who is required to purchase a special plate or plates issued to such owner as prescribed in Tennessee Code Annotated, Title 55, Chapter 4, Part 2; provided, that such manufacturer or dealer shall pay the privilege tax for each dealer plate purchased up to and including the tenth (10th) plate or twenty-five percent (25%) of the total number of dealer plates purchased, whichever is greater. The privilege tax decal shall be displayed at the appropriate location on the dealer tag as designated by the county clerk.

As amended by: Private Acts of 2000, Chapter 81.

SECTION 6. Any person who violates this Act and fails to pay the privilege tax imposed hereunder shall be fined fifteen dollars (\$15.00). Each day of violation constitutes a separate offense, and a fine of fifteen dollars (\$15.00) shall be assessed for each offense.

COMPILER'S NOTE: See Private Acts of 1967-68, Chapter 283, reprinted above, for provisions of the privilege tax.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstances 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 8. That 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, on or before the next regular or special meeting of said legislative body, after its becoming a law. Its approval or nonapproval shall be proclaimed by the presiding officer of such county legislative body and certified by him 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: March 25, 1982.

TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

The following is a listing of acts pertaining to taxation in Montgomery County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796 (July Sess.), Chapter 2, exempted Davidson, Montgomery, Sumner, Robertson, Washington, and Hawkins Counties from the application of an additional county tax to be levied on various properties according to a schedule contained in the act.
2. Acts of 1799, Chapter 13, annexed a part of Montgomery County to Robertson County but authorized the Sheriff of Montgomery County to collect delinquent taxes in the annexed area in a manner as though the act had not been passed.
3. Acts of 1803, Chapter 65, authorized the County Court of Montgomery County to levy a tax not exceeding fifty cents on each lot in Clarksville to repair and maintain the roads of the city. A suitable person would be appointed to collect the tax.
4. Acts of 1803, Chapter 66, created Dickson County from parts of Montgomery and Robertson Counties and empowered the Sheriff of Montgomery County to collect then current and delinquent taxes from the inhabitants within the area transferred from Montgomery County to Dickson County.
5. Acts of 1803, Chapter 68, created Stewart County from part of Montgomery County and empowered the Sheriff of Montgomery County to collect the current and delinquent taxes from the inhabitants within the area transferred from Montgomery County to Stewart County.
6. Private Acts of 1823, Chapter 182, authorized the County Court of Montgomery County to levy a tax for the then present and ensuing two years on all taxable property to defray the expense of repairing the courthouse and jail, and of transcribing six books in the Register's office. The amount of County taxes could not exceed one-half of the state tax.
7. Private Acts of 1826, Chapter 82, authorized Montgomery County to levy a tax on

taxable property in the County for the purposes of repairing the jail or building a new one within the discretion of the Justices.

8. Private Acts of 1859-60, Chapter 79, required the collector of the Railroad Tax in Montgomery County to pay the taxes collected to the Bank of Tennessee in Clarksville upon the warrant of the Judge of Montgomery County, obtaining double receipts, one for himself and one for the Judge. The Bank was to disburse the money to the holders of coupons of the bonds issued by the County to the Memphis, Clarksville, and Louisville Railroad Company.

9. Private Acts of 1865-66, Chapter 68, amended Private Acts of 1859-60, Chapter 79, by allowing the Railroad Taxes collected to be deposited in the First National Bank of Clarksville, Tennessee, under the same rules and regulations for paying them into the Bank of Tennessee.

10. Public Acts of 1883, Chapter 146, amended Private Acts of 1859-60, Chapter 79, and Private Acts of 1865-66, Chapter 68, above, by requiring the collector of the Railroad Tax to pay the collected monies into the First National Bank, the Clarksville National Bank, the Northern Bank, the Franklin Bank, or other bank in Clarksville, Tennessee, upon the warrant of the County Judge, who was required to account to the Quarterly Court for all receipts and disbursements concerning the tax.

11. Acts of 1903, Chapter 258, was an extensive general law applicable to the assessment and collection of taxes for state, county, and municipal purposes. The Act listed the types of property subject to taxation and set forth the procedure for assessment and classification of the property. It regulated the activities of assessors, comptrollers, County Court Clerks and the other officers in relation to the collection and recording of current and delinquent taxes.

12. Acts of 1905, Chapter 297, amended Acts of 1903, Chapter 258, the general law relating to assessment and collection of taxes, by requiring that efforts to collect past due taxes by Montgomery County officials would cease until June 1, 1905. On that date collection would resume as required under the general law including the selling at auction of real estate for past due taxes.

13. Private Acts of 1917, Chapter 800, amended Private Acts of 1915, Chapter 272, by making its provisions apply to Montgomery County. The 1915 act applied only to Robertson County and authorized the Quarterly Court to elect a Back Poll Tax Collector to serve terms of two years. The County Trustee was required to prepare a Poll Tax list for the Back Poll Tax Collector's use in identifying delinquent persons and collecting back taxes. The Collector would charge an additional seventy-five cents for each \$2.00 delinquent debt collected which he would retain as his fee.

14. Private Acts of 1921, Chapter 139, levied a privilege tax in Montgomery County on all automobiles, auto trucks, motorcycles, electric automobiles, and trucks, and other vehicles of like character according to a schedule established in the act. The act declared the tax to be a lien upon the property of the owner.

15. Private Acts of 1929, Chapter 885, established in Montgomery County the office of Delinquent Poll Tax Collector and Collectors. The Quarterly County Court would determine the number of Collectors and elect them for terms of two years. They were to collect delinquent poll taxes along with penalties, interest, and a fee of seventy-five cents, which fee was to be retained

by the collectors as compensation. The Collectors were empowered to inspect any payroll or list of employees from employers, individual or corporate. Refusal to allow inspection was a misdemeanor and lying under oath to a Collector was punishable as perjury.

16. Private Acts of 1931, Chapter 458, repealed Private Acts of 1921, Chapter 139.

17. Private Acts of 1935, Chapter 379, repealed Private Acts of 1915, Chapter 272, summarized above in relation to Private Acts of 1917, Chapter 800.

18. Private Acts of 1949, Chapter 839, fixed the compensation of the Equalization Board of Montgomery County at \$6.00 per diem for the chairman, \$8.00 per diem for the Secretary, and \$5.00 per diem for the members. The act authorized the Board to hire persons familiar with real estate values to assist the Board.