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Private Acts of 1947 Chapter 254

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

Sincerely,

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Private Acts of 1947 Chapter 254

SECTION 1. That there is hereby created and establish (sic) a Court in and for Maury County, Tennessee, which shall be designated "Court of General Sessions of Maury County, Tennessee". Said Court of General Sessions shall consist of two parts, one of which shall be known as "Court of General Sessions of Maury County, Tennessee, Part I", and the other shall be known as "Court of General Sessions of Maury County, Tennessee, Part II". General Sessions Court, Part I, shall sit at Columbia, Maury County, Tennessee, and General Sessions Court, Part II, shall sit at Mt. Pleasant, Maury County, Tennessee. A court room and adequate facilities for said Court shall be provided in the Courthouse at Columbia for General Sessions Court, Part I. A court room and adequate facilities for said Court shall be provided for at Mt. Pleasant, Maury County, Tennessee. It shall be the duty of the custodian of the courthouse at Columbia, Maury County, Tennessee, to provide a courtroom in said courthouse for General Sessions Court, Part I. It shall be the duty of the County Judge of Maury County, Tennessee, to make provisions for a courtroom in Mt. Pleasant, Tennessee, for General Sessions Court, Part II, and said County Judge is authorized to rent a courtroom at such place in Mt. Pleasant, Tennessee, which he deems suitable and pay out of the general funds of Maury County, Tennessee, such monthly rental therefor as he deems proper, but not to exceed Fifty (\$50.00) Dollars per month. It shall also 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 at Columbia and Mt. Pleasant, Tennessee, respectively, and the expense of same shall be paid out of the general funds of the County.

As amended by: Private Acts of 1949, Chapter 570

SECTION 2. That the Court of Geeral (sic) Sessions of Maury 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 co-extensive with Maury County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until the qualification of the Judges for said Court of General Sessions as hereinafter provided. The authority of said Justices of the Peace in their capacities as members of the Quarterly Court or in the performance of the rites of matrimony is in no way affected by this Act. Provided, however, that the jurisdiction and powers of said Court shall extend to all claims and demands of whatsoever nature of \$1,000.00 or less in value.

As amended by: Private Acts of 1949, Chapter 570

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, rendition of the judgement, 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 make 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, the plaintiff, or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence and prosecute an action 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.

SECTION 4. That said Court shall be in session daily, except legal holidays, and each Saturday from and after 8 o'clock p.m. until 12 o'clock midnight for the examination and hearing of persons charged with any criminal offense, the taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment to jail, as required by law. General Sessions Court, Part I, shall likewise be in session on the First, Third, and Fifth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. General Sessions Court, Part II, shall likewise be in session on the Second and Fourth Sundays of each month from 9 o'clock A.M. until 11 o'clock A.M. and thereafter so long as the Court deems proper. On the Sundays on which the General Sessions Court is being held by the Judge of General Sessions Court, Part II, that Judge shall hold said Court in Columbia, Tennessee.

SECTION 5. 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 said Court; and all of 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 Maury County, within a period of ten (10) days in all civil cases and two (2) days in all criminal cases 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 herein provided, then execution may issue.

As amended by: Private Acts of 1949, Chapter 570

SECTION 6. That the Judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. All process shall be returnable to a date not later than ten (10) days after the date of service of process in the case.

That cases shall be set in said Court for an hour certain, and the practice heretofore prevailing of allowing one hour for parties to appear in Courts of Justice of the Peace shall not apply in said Court of General Sessions.

As amended by: Private Acts of 1949, Chapter 570

SECTION 7. That the Court of General Sessions for Maury County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgement in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgement of such Court may be appealed to the Circuit Court of Maury County, where such appeal shall be tried by a Judge of such Court without a jury, unless the defendant demands a jury, and without indictment or presentment.

SECTION 8. That it shall be the mandatory duty of the Judges 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 said case as is provided in Section 7 hereof. Said waiver shall be written or 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 9. That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk, or the Judge, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

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

SECTION 11. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of 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 of the Courts of Justice of the Peace. 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 12. That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the Civil Docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court and officers for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 9 of this Act.

SECTION 13. That the first Judge (sic) of said Court shall be residents of Maury County, Tennessee, more than twenty-one years of age, learned in the law, and shall be elected by the qualified voters of Maury County at the general election for County officers to be held on the First Thursday of August, 1948, and the persons elected as Judges of said office at said election to be held on the First Thursday of August,

7948, (sic) shall hold office from the first day of September, 1948, until the first day of September, 1950, and until their successors are elected and qualified. Their successors shall be elected by the qualified voters of Maury County at th (sic) election for County officers on the first Thursday of August, 1950, and these successors shall hold their (sic) office from the first day of September, 1950, until their successors have been elected and qualified.

Any person seeking election as Judge of the General Sessions Court of Maury County, Tennessee, shall designate in his or her qualifying petition to the election official whether he or she is a candidate for Judge of Part I or Part II of said Court. That candidate receiving the majority of votes shall be declared the duly elected Judge of the General Sessions Court of Maury County, Tennessee, to which ever (sic) part of said Court that he or she has designated that they are a candidate for in the qualifying petition.

Their successors shall be elected every eight (8) years thereafter, it being the intent of the Legislature that the term of office commencing September 1, 1950, 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 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. Provided however that when from any cause either of the Judges of said Court fails to attend, or if in attendance can not properly preside in a cause or causes pending in said Court, or is unable to hold Court, a special Judge shall be elected, preside, and adjudicate in accordance with the provisions contained in Section 9919, 9920, and 9921 of Williams Tennessee Code of 1934. Provided that in the event of a temporary disability on the part of a Judge of said Court, he is hereby authorized to appoint a member of the bar with the qualifications of a judge to hold the Court in his stead for a period not exceeding three days at any stated time, provided that not more than two such appointments each month shall be made.

As amended by: Private Acts of 1949, Chapter 570
Private Acts of 1951, Chapter 98

SECTION 14. That the compensation of each of said Judges shall be \$3,600.00 for Judge of Part I and \$2,500.00 for Judge of Part II 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 Judges are elected. Said Judges shall devote all their working time to the duties of their office, and if a lawyer, shall not engage in the practice of law during their tenure of office; provided, either 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. Provided the Judge of Part I of said Court from and after his election, qualification, and installation shall upon taking office on September first 1950, be paid an annual salary of \$4,200.00 in the same manner as hereinabove set forth. Provided that from and after the passage of this Act the Judge of Part II of said Court shall be prohibited from the practice of law in all Courts of Tennessee, and Maury County, including Federal Courts therein. Provided the Judge of Part II of said Court shall, upon taking office after his election, qualification, and installation on September first 1958, be paid the annual salary of Four Thousand Two Hundred (\$4,200.00) Dollars, in the same manner as herein above set out.

As amended by: Private Acts of 1949, Chapter 570
Private Acts of 1951, Chapter 98
Private Acts of 1955, Chapter 207
Private Acts of 1957, Chapter 139

COMPILER'S NOTE: The salaries of the Judges of the General Sessions Court are set forth in T.C.A. 16-15-5003

SECTION 15. That the Clerk of the Circuit Court of Maury County, Tennessee, shall be the Clerk of the General Sessions Court of Maury County, Tennessee, Part I and Part II and the records, journals and dockets for Part I and Part II of said Court shall be kept and maintained separately by said Clerk. The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, shall be allowed as compensation for serving as said Clerk the sum of \$1,800.00 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 shal (sic) be paid to the Trustee of Maury County, Tennessee, as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part II shall be allowed as

compensation for serving as Clerk of Part II of said Court the sum of \$1,200.00 per annum, payable in twelve monthly installments out of the fees collected by said Clerk of Part II of said Court as herein provided for, and all fees in excess of said sum shall be paid to the Trustee of Maury County as herein provided.

The Clerk of the Court of General Sessions of Maury County, Tennessee, Part II, shall be allowed as compensation for serving as clerk of Part II of said Court the sum of Two Thousand Three Hundred Dollars (\$2,300.00) per annum payable out of fees collected by the Clerk of said Part II of said Court as herein provided for, in twelve installments, and all fees in excess of said sum shall be paid over to the Trustee of Maury County, Tennessee as herein provided.

The Clerk of the General Sessions Court of Maury County, Tennessee, Part I, and the Clerk of the General Sessions Court of Maury County, Tennessee, Part II, shall each make a good and solvent bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful performance of their duties as such Clerk and for the payment as provided by law of all funds coming into their hands as such Clerk. These bonds shall be conditioned as is the bond of the County Court Clerk for the accounting of funds coming into his hand and shall be filed in the same manner and at the same place. No person shall enter upon the duties of office as such Clerk until he or she has qualified by taking the oath required of Circuit Court Clerks and by executing and filing of the bond herein required, and such bond shall not be considered sufficient until it is approved by the County Judge of Maury County, Tennessee.

As amended by: Private Acts of 1949, Chapter 345
 Private Acts of 1953, Chapter 137
 Private Acts of 1955, Chapter 207
 Private Acts of 1970, Chapter 328.

SECTION 16. That all the fees, commissions and emoluments accruing under the provisions of this Act to the Clerk of said Court of General Sessions, Part I and Part II in the nature of court costs, after the payment of the compensation to said Clerk as hereinbefore provided, shall be paid monthly to the County Trustee of Maury County, Tennessee, and shall be deposited by said Trustee in the general fund of said County; and all fines collected shall be paid and accounted for as required by law. Payments shall be made to the Trustee not later than the 10th day of each month for the preceding month and the payment of fines collected shall be made as required by law. At the time of payment to the Trustee an itemized statement certified by the Clerk and Judge of the Court shall be furnished to the County Judge of Maury County, Tennessee, and this statement shall show the names of all persons from whom costs or fines were collected and the amount collected from each person.

As amended by: Private Acts of 1953, Chapter 137
 Private Acts of 1970, Chapter 328

SECTION 17. That the Clerks of said Court shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer.

SECTION 18. That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as heretofore provided by law.

The Judge of Part I of said General Sessions Court is hereby authorized to appoint one person to preserve order and wait on and serve the said Court, who shall receive as compensation for his services a sum in such amount as may be determined from time to time by the Maury County Legislative Body. per annum payable in equal monthly installments on the 1st day of each month upon a warrant drawn upon the County Trustee of Maury County. The Clerk of Part I of said Court shall certify to the County Judge of Maury County the name of the person serving as the Court Officer of said Court. The County Judge shall issue warrants upon the Trustee for said salary provided for herein.

As amended by: Private Acts of 1949, Chapter 345
 Private Acts of 1953, Chapter 137
 Private Acts of 1973, Chapter 66
 Private Acts of 1979, Chapter 53
 Private Acts of 1981, Chapter 17
 Private Acts of 1988, Chapter 163

COMPILER'S NOTE: Private Acts of 1988, Chapter 163 amends Section 18 of Chapter 254 of the Private Acts of 1947 by inserting "a sum in such amount as may be determined from time to time by the Maury County Legislative Body." without deleting or creating a sentence beginning with "per annum payable".

SECTION 19. That the Judge of General Sessions Court, Part I, and the Judge of General Sessions Court, Part II, may preside by interchange, and the Chancellor may also so preside.

SECTION 20. That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace in Maury County to any unpaid fees, or funds in which he had right or interest in any proceedings, judgment

or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 21. That all the official dockets, records and papers in cases that are undisposed of or pending in the office of Justices of the Peace of said County at the time of the qualification and induction into office of the first Judge of the Court of General Sessions, Part I and Part II, shall be delivered to the Court of General Sessions, Part I and Part II. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Maury County, as provided by law.

SECTION 22. That the Courts of General Sessions of Maury County, Tennessee, Part I and Part II, be and are hereby vested with full power to punish for contempt of their respective Courts in accordance with the provisions of Sections 10120 and 10121 of the Williams Annotated Code of 1932 of Tennessee.

SECTION 23. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Maury County as if such cases had originated in said Court of General Sessions.

SECTION 24. Effective September 1, 1982, in Maury County the juvenile court, as "juvenile court" is defined and used in Tennessee Code Annotated, Title 37, Chapter 2, and elsewhere in the law, shall be the Court of General Sessions, Part I and Part II. All juvenile jurisdiction and related powers previously vested in the county judge or in any other local official by general or local act is hereby transferred to and shall be exercised by the Maury County Court of General Sessions, Part I and Part II. The judge presiding over Part I of such court is hereby designated as the administrative head of the court for all matters relating to juveniles. The judge presiding over Part I of such court shall be learned in the law as evidenced by a license to practice law in the state of Tennessee. The Circuit Court Clerk of Maury County shall be the clerk of the general sessions court for all matters relating to juveniles. Venue shall lie with the Maury County sessions court located nearest to the geographical location of the act which gives rise to jurisdiction in any particular case.

SECTION 25. Effective September 1, 1982, whenever such venue properly lies in a court presided over by a judge who is not licensed to practice law in Tennessee such judge shall conduct a prehearing conference for the case if the child is alleged to have committed a "delinquent act" as defined in Tennessee Code Annotated, Section 37-202 (3), to determine whether a substantial likelihood exists that such case may result in a finding of delinquency and disposition pursuant to Tennessee Code Annotated, Section 37-231 (3) and (4). If such conference results in a determination that a substantial likelihood exists that such case would not result in a finding of such delinquency and disposition, the juvenile court judge may proceed to dispose of such case. However, if such conference does result in a determination that a substantial likelihood exists that such case may result in a finding of such delinquency and disposition, then the juvenile court jurisdiction under Tennessee Code Annotated, Title 37, for such case shall be vested in the court of general sessions wherein the judge of such court is licensed to practice law.

SECTION 26. Effective September 1, 1982, any fees, fines, or court costs that may be generated as a result of the general sessions court exercising its juvenile jurisdiction shall be returned to a juvenile court fund with any excess remaining in the fund at the end of a fiscal year to be returned to the Circuit Court Clerk of Maury County.

SECTION 27. 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 constitutional or invalid portions elided therefrom.

SECTION 28. That all laws and parts of laws in conflict with this Act which apply to Maury County, Tennessee, be and the same are hereby repealed.

SECTION 29. That this Act shall take effect from and after August 1st, 1948, the public welfare requiring it.

COMPILER'S NOTE: Sections 24, 25, and 26 of the act were added by Private Acts of 1982, Chapter 252, and Sections 27, 28, and 29 were renumbered in accordance with the provisions of that act.

Passed: February 19, 1947.