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Private Acts of 1951 Chapter 555

Dear Reader:

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

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

Sincerely,

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Private Acts of 1951 Chapter 555

SECTION 1. That there is hereby created and established a Court in and for Macon County, Tennessee, which shall be designated "Court for General Sessions for Macon County, Tennessee." said (sic) County shall provide a court room at Lafayette, Tennessee, dockets, furnishing and necessary supplies for the equipment and maintenance of said court, and pay for same out of the General Fund of the County. The regular place for holding said court shall be at the court room provided for said court in Lafayette, Tennessee, but said court may be held, in the discretion of the Judge thereof, at any other place or places in Macon County, Tennessee, at such times and places as the Judge may designate.

SECTION 2. That said court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said county elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants, and process to be returnable to and triable by said Court of General Sessions. 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, or to administer oaths is in no wise affected by this Act.

The Court of General Sessions is also vested with jurisdiction over the probate of wills and the administration of estates decedents, minors, infants, and incompetents. Notwithstanding the provisions of Section 13 of this chapter the County Clerk of Macon County shall function as the clerk of the Court of General Sessions when probate matters and administration of estates are properly before such court. The County Clerk shall retain all powers, duties, and jurisdiction, and shall retain all records and other documents relating to probate matters and the administration of estates of decedents, minors, infants, and incompetents.

As amended by: Private Acts of 1982, Chapter 234

COMPILER'S NOTE: In addition to amending Section 2, Private Acts of 1982, Chapter 234, also contained the following undesignated provisions:

SECTION ____. The procedure, rules of practice and laws governing the administration of estates in probate shall be the same as are now in effect, except where expressly changed by the Act.

SECTION ____. All probate matters and the administration of any estate pending in any other court in Macon County on the effective date of this Act shall be transferred to the General Sessions Court of Macon County and such court may hear and make final disposition in such matters as if it had originated in such court.

SECTION 3. That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

SECTION 4. That before any civil case shall be tried or judgement rendered in said Court, the plaintiff shall secure the costs by executing a cost bond, with good security, in the sum of Twenty-five (\$25.00) Dollars, or by making a cash deposit of not less than One Dollar and fifty cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take an oath prescribed for poor persons, and on motion of the Court may in his discretion increase the amount of such bond or deposit.

SECTION 5. That the rules of pleadings and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Macon County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor 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 without a jury. The final judgement of such Court may be appealed to the Circuit Court of Macon County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial 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 1 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant pleads guilty to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives a trial by a jury of his peers. _____

SECTION 6. That in all matters the costs and fees of said court of General Sessions shall be the same as provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, his deputies, constables, game wardens, and State highway patrolmen for the execution of writs and process of said Court, and the 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.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees, and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, game wardens, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 7. That separate dockets shall be kept in said 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 return of the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, execution, garnishment, lists of the fees of the Court, the sheriff, his deputies, constables, game wardens, and State highway patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those Justices of the Peace.

The criminal docket shall be kept in like manner.

SECTION 8. That there shall be one judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for judges of inferior courts of Tennessee, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

SECTION 9. That the compensation of said Judge shall be Twenty Four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general fund of the County, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office, except that he may act as Judge of the City Court of Lafayette, Tennessee, under any contract made by the said City with the County of Macon.

SECTION 10. That Bell F. Cothron, of Lafayette, Tennessee, is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1952, and until his successor has been elected and qualified.

His successor shall be elected by qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1952, and shall hold his office from the first day of September, 1952, until the first day of September, 1960, or until his successor is qualified.

His successor shall be elected every eight years at such election for the term provided by law for Judges of inferior courts.

SECTION 11. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as judge, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such judge for the occasion.

SECTION 12. That in the case of a vacancy in the office of such judge for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 13. That the Clerk of the Circuit Court and Criminal Courts of said County shall as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of Court of General Sessions of Macon County." The fees, commissions and emoluments of said Court of General Sessions shall be the same as such fees would have been if the process, subpoenas, executions and all other papers had been issued by Justices of the Peace, and the same shall accrue to and be paid to the Clerk of said Court when such papers are actually issued by said Clerk. Provided, however, then when such papers shall have been issued by a Justice of the Peace of Macon County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Macon County, Tennessee, who actually issued such papers, process, etc.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue

warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

SECTION 14. That the sheriff of said County, or any Deputy or Constable thereof, shall serve legal process, writs or papers issued by said Court with the same authority as provided by law in other inferior courts. Provided, however, that no sheriff, deputy sheriff, or constable shall be entitled to any fees merely for opening and closing said Court or for waiting upon said Court as Court officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said court without further compensation for such services.

SECTION 15. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgments or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 16. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have completed shall be turned over to said County, as provided by law.

SECTION 17. That said Court shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgements on the dockets of said Justices of the Peace, and certify as to any such judgements or records, as such Justices of the Peace could do but for this Act.

SECTION 18. That the General Assembly 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 effect the remainder of the Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portion elided therefrom.

SECTION 19. That this Act shall take effect on April 1, 1951, and not until then, except that after the passage of this Act prior to April 1, 1951, said county shall make provision for a court room and otherwise as provided in Section 1 hereof, but such Judge and Clerk of said Court shall take the oath of office or be entitled to any salary until April 1, 1951, the public welfare requiring it.

Passed: March 12, 1951.

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