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Private Acts of 1949 Chapter 460

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 1949 Chapter 460

SECTION 1. That there is hereby created and established a Court in and for Jackson County, Tennessee, which shall be designated the Court of General Sessions of Jackson County, Tennessee. The Court shall be held in Gainesboro and Jackson County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for same out of the general funds of the County, and the jurisdiction of said Court shall be coextensive within the boundaries of Jackson County, Tennessee, and the Judge of said Court shall have power and authority to hear and try all cases at the courtroom established therefor, or at such other place or places in Jackson County as he may determine to be more feasible and convenient for the parties.

SECTION 2. That the 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 for said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said county may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil warrants and process on any cause heretofore triable by a Justice of the Peace, such warrants process to be returnable 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 performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

SECTION 3. That the laws now regulating pleading and practice; stay of and appeals from judgments, writs and processes in civil cases in 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 Judge of said Court.

SECTION 4. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time, and place of which process shall be returnable, and the time and place in which cases shall be heard and such other rules as will enable the Court to function properly.

SECTION 5. That in order to facilitate the business of the Court, all cases set for hearing upon the trial docket may be called, heard and disposed of on the designated day and hour set without the waiting period of one hour thereafter as provided for either party for cases before Justices of the Peace.

SECTION 6. That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, provided this sum shall not apply to cases where specific sums are now set out by law, or take the oath prescribed for poor persons, and on motion, the Court may increase the security. When Court is not in session and the Judge is not available, the Sheriff shall have the right to take bond for the appearance of a person charged with crime, but such bonds may be taken only at the county jail and a record made thereof, if such offense is bailable. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

SECTION 7. That in all matters the costs and fees of said Court of General Sessions, including the service of the Clerks of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of Sheriff, his Deputies, Constables, Game Wardens and State Highway patrolmen for execution of writs and process of said Court and for the attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk, or to some one of his Deputy Clerks, and by him and his deputies accounted for as hereinafter provided. Such costs, fees and mileage of witnesses and fees, commissions and emoluments of the Sheriff, his Deputies and Constables, State Highway Patrolmen, Game Wardens, and other officers, for services in said Court shall be accounted for and disbursed as required by law.

SECTION 8. 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 on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance, etc., 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. All of the official dockets, records and papers in cases that are undisposed of or pending in offices

of 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 been completed shall be turned over to said County, as provided by law.

SECTION 9. That there shall be one Judge for said Court, who shall be learned in the law, a resident of Jackson County, Tennessee, and with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and the oath shall be the same as prescribed for Circuit Judges and Chancellors.

SECTION 10. That the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant wherein the person charged with such misdemeanor offense enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases, the trial shall proceed before the Court without the intervention of 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 Fifty (\$50.00) Dollars 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 Fifty (\$50.00) Dollars.

Any person aggrieved by the judgment of the Court of General Sessions have criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Circuit Court of Jackson County upon executing an appearance bond and likewise executing bond for the amount of fine and costs, or in lieu thereof, taking the oath prescribed by law for paupers. Such appeals, when properly taken to the Circuit Court of Jackson County, shall be tried by the Judge of the Circuit Court without a jury and without indictment and presentment, and upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case.

SECTION 11. That the Clerk of the Circuit Court of said County shall act as Clerk of said Court of General Sessions, and when so acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Jackson County." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County. The Clerk of said Court shall receive as compensation for his services the sum of Three Hundred (\$300.00) Dollars per annum, payable in equal monthly installments out of the ordinary funds of said County, and such compensation shall be in addition to all other compensation received by said Clerk, and he shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions.

The Clerk of said Court and his Deputies shall have concurrent authority with the Judge thereof to issue warrants and other process and writs, other than those which the law requires shall be issued only by a judicial office.

It shall be the express duty of the Clerk of said Court to keep all dockets required by this Act; to write all minute entries required herein, and to promptly make any and all entries necessitated by this statute. In case of the failure or dereliction of the Clerk so to do, he shall be subject to ouster proceedings as now provided by general statute.

SECTION 12. That the compensation of said Judge shall be Twenty-four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments on the first day of each month, out of ordinary funds of the County, and shall not be increased or diminished during the term for which he is appointed or elected.

SECTION 13. That for the purpose of filling the vacancy occasioned by the creation of such judgeship, Garland D. Anderson is hereby designated and appointed as such Judge, who shall serve until the August election of 1950, or until his successor shall be elected and qualified.

At the August election, 1950, there shall be elected a Judge who shall possess the qualifications required, who shall hold office for a term of eight years from September 1, 1950, next following his election; and the Judge of said Court of General Sessions shall thereafter be elected by the qualified voters of Jackson County each eight (8) years at the General August Election.

In event of a vacancy in the office of the Judge of said Court of General Sessions, other than the original vacancy created by this Act, the Governor of the State of Tennessee shall appoint a Judge with the qualifications prescribed by this Act, to serve until the next general election held in the County of Jackson, at which time a successor shall be elected to fill out the unexpired term of such Judge.

SECTION 14. That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Jackson County, Tennessee, from practicing law in Chancery Court, Circuit Courts, County Courts, and Appellate Courts of the State of Tennessee, except in cases having their origin in said Court of General Sessions of Jackson County, Tennessee.

SECTION 15. That the said Court of General Sessions shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace of said County as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgment of judgments.

SECTION 16. That if the Judge of said Court of General Sessions for any reason fails to hold Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of said Court shall preside at such elections and shall keep in his office a record of the election of such special Judges. Such special judges shall not be entitled to compensation for their services. The County Judge or Chairman, or Circuit Judge or Chancellor shall preside by interchange.

SECTION 17. That the Judge of the Court of General Sessions shall also possess the power to issue fiats for extraordinary process returnable to the appropriate Court in which such suit is to be filed. The Judge of the Court of General Sessions shall have the same power and authority and to the same extent to punish for contempt as now provided for the Circuit, Chancery and Appellate Courts.

The Judge of the said Court of General Sessions shall have the same power and authority as the different judges of our Circuit and Criminal Courts have in suspending fines and jail sentences in Criminal cases.

As amended by: Private Acts of 1957, Chapter 389

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 affect the remainder of the Act, and such constitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 19. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1949.

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