



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

Private Acts of 1943 Chapter 333

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 1943 Chapter 333

SECTION 1. That there is hereby created and established in and for Carter County, Tennessee, a Court which shall be designated as the Court of General Sessions of Carter County, Tennessee, which shall possess the powers and jurisdiction as hereinafter provided.

SECTION 2. That the Court of General Sessions 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; and the Justices of the Peace of Carter County are hereby divested of all such jurisdiction and authority. 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 nowise affected by this Act, with the exception of the power and authority to issue civil and criminal warrants, attachments, garnishments, subpoenas, peace warrants, and mittimi and fix bonds. The trial of defendants on such, however, and the trial of any and all cases is to be before the Judge of the Court of General Sessions. The Justice of the Peace issuing such criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers.

COMPILER'S NOTE: Brackets supplied by Compiler. Materials within the brackets apply to Section 4 of the Private Acts of 1984, Chapter 179 and not to the original act.

[Effective upon this act being approved as provided in Section 4], the Court of General Sessions shall be vested with juvenile jurisdiction in Carter County and such judge shall possess all of the jurisdiction, powers, duties, and authority conferred upon juvenile court judges by the provisions of Tennessee Code Annotated, Title 37 or any other general law.

[Upon approval of this act,] all unfinished and pending cases or matters in the juvenile court of Carter County shall be transferred to the Court of General Sessions. On such date, all official books, records and other documents pertaining to any matter within the jurisdiction of such juvenile court shall be delivered to the General Sessions Court Clerk.

As amended by:

- Private Acts of 1949, Chapter 411
- Private Acts of 1951, Chapter 236
- Private Acts of 1951, Chapter 534
- Private Acts of 1984, Chapter 179

SECTION 3. 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 such cases shall be heard, and such other rules as will enable the Court to function properly.

SECTION 4. That the jurisdiction of said Court shall be co-extensive within the boundaries of Carter County, Tennessee, and the said Judge shall have power and authority to hear and try all cases at the courtroom established therefor, or at such other place or places in Carter County as he may determine to be more feasible and convenient for the parties.

SECTION 5. That before any civil case shall be tried, or judgment rendered in said Court, the Judge of said Court may require the plaintiff to execute a cost bond with good security in the sum of \$25.00, or make a cash deposit of not less than \$2.50 nor more than \$25.00, or in lieu thereof to take the oath prescribed for poor persons, and upon motion of the Court may increase the cost of such bond or deposit.

SECTION 6. That the rules of pleadings and practice form, of writs and process and stay of appeals and judgments in civil cases of said Court shall be the same as of Justices of the Peace.

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

The fees and other compensation of the Sheriff, his deputies, constables, game wardens and State highway patrolmen for the execution of writs and process of said Court, and the 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, and fees, commissions and emoluments of the Sheriff, his deputies, constables, State highway patrolmen, game wardens, and other officers, for services in said Court 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 to 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.

SECTION 9. That there shall be one Judge of said Court, who shall be a resident and citizen of Carter County, Tennessee, and learned in the law, who shall before entering upon his duties as such, take and prescribe an oath for the faithful performance of his duties and execute a bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

SECTION 10. That the compensation of said Judge shall be \$3,600.00 per annum, payable in equal monthly installments on the first of each month, out of the ordinary funds of the County, and shall not be increased or diminished during the term for which he is appointed or elected. The Judge of said Court of General Sessions may at any time receive and receipt from the Clerk of said Court of General Sessions any amount due the said Judge on his salary. Said funds to be paid out of funds in the hands of said Clerk due Carter County, Tennessee, and the Clerk of said Court will take credit for same on his quarterly report made for revenue due the County.

As amended by: Private Acts of 1947, Chapter 735

SECTION 11. That Melton S. Bangs, a resident and citizen of Carter County, Tennessee, and who is learned in the law, is hereby appointed the first Judge of the said Court, to serve as such until his successor is elected and qualified; said successor will be chosen by the voters of Carter County, Tennessee, at the next general August election to be held in the year 1944, and shall hold office from the first day of September, 1944 until the next regular election of judicial officers or until his successor is qualified.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason 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.

SECTION 13. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 14. That there shall be a Clerk of said Court who shall hold office for a period of two years and until his successor is elected and qualified. The said Clerk shall receive as compensation for his or her services the sum of \$1,800.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Carter County. The Judge of said Court of General Sessions may, at any time, by written order authorize said Clerk to pay said Clerk's salary out of the funds in the hands of said Clerk due Carter County, Tennessee, and said Clerk will be allowed to take credit for same on his quarterly report made for revenue due said County.

Said Clerk shall perform all duties required of him by the Judge of said Court and shall receive, safely keep and account for all funds received by said Court, and shall pay over to said Carter County quarterly all fees, commissions, and emoluments of said Court of General Sessions, less the specific deductions allowable by this Act.

The Clerk of said Court shall have concurrent authority with the Judge of said Court in the issuance of all processes required to be issued from said Court.

[Effective upon this act being approved as provided in Section 4,] the Clerk of the Court of General Sessions shall be the clerk for all juvenile matters within the jurisdiction of the Court of General Sessions. Such clerk shall possess the same powers, duties and authority in matters pertaining to the court's juvenile jurisdiction as the clerk currently responsible for juvenile matters.

As amended by: Private Acts of 1947, Chapter 735

Private Acts of 1984, Chapter 179

SECTION 15. That before the Clerk of said Court shall enter upon his duties he shall take and subscribe an oath for the faithful performance of his duties and execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his hands and for the faithful performance of his duties.

SECTION 16. That on September 1, 1948, the office of Clerk of the General Sessions Court is hereby abolished and all the duties thereof transferred to the Clerk of the Circuit Court of Carter County and thenceforth shall act as Clerk of the General Sessions Court. All dockets, records and papers in the hands of the then Clerk of the Court of General Sessions shall be transferred to the Circuit Court Clerk of Carter County and the latter's powers and duties with respect to General Sessions Court matters shall be as full

and complete as though set forth in this Act as therein conferred on the Clerk of the Court of General Sessions. For the additional duties herein imposed upon him, the Circuit Court Clerk of Carter County shall receive as compensation the additional sum of \$900.00 per annum, to be paid in monthly installments from the County Treasury.

As amended by: Private Acts of 1947, Chapter 735

SECTION 17. That this Act shall in nowise 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 suits, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 18. 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 Gneeral (sic) 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 Carter County as provided by law.

SECTION 19. That the Clerk of said Court of General Sessions, when he is qualified as such, shall make a quarterly report of all revenue collected by him due Carter County, and in his report he may take credit for any sums paid by him to the Judge of said Court of General Sessions due on his salary, or for any sums paid by him on the Clerk's salary, or other deductions specifically allowed by this Act, and he shall have credit for the same.

SECTION 20. That said Court shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgments on the docket of said Justices of the Peace, and to certify to said judgment or judgments.

SECTION 21. That Carter County, Tennessee, shall provide Court rooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County or out of the fees and costs received by said Court.

SECTION 22. That the General Assemblby (sic) expressly declare 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 unconstitutional 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 23. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 9, 1943.

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