



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Private Acts of 1945 Chapter 34

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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 1945 Chapter 34

**SECTION 1.** That there is hereby created and established a Court in and for Wilson County, Tennessee, which shall be designated Court of General Sessions of Wilson County, Tennessee.

Said County shall provide a court room in the Courthouse in Lebanon, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for the same out of the ordinary funds of said County, and the Judge of the Court of General Sessions of said County will hold the Court and try cases in such courtroom so provided.

However, whenever the convenience of litigants and witnesses demand that the Judge of said Court hear or try a case or cases in any part or locality of Wilson County other than Lebanon, Tennessee, the Judge of said Court of General Sessions is hereby vested with the discretionary authority and power to set the trial and hearing of such case or cases at such place in Wilson County as he deems will be convenient and accessible to the litigants and witnesses.

**SECTION 2.** That said Court of General Sessions is hereby vested with all of 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. That in addition to the other jurisdiction conferred upon the Judge of said Court of General Sessions, he is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery, Circuit and Criminal Courts to grant fiats for writs of injunction and attachment.

**SECTION 3.** That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$5.00 or more than \$25.00, or shall take the oath prescribed for poor persons, in lieu of a bond, and on motion, the Court may increase the amount of such bond or deposit.

**SECTION 4.** 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.

**SECTION 5.** 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 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 testifying under subpoena in said Court of General Sessions shall be as follows: \$1.00 per day for each day's necessary attendance, under subpoena, where the witnesses live in Wilson County.

Also, when the said witnesses reside at a greater distance than ten miles from the place of trial, 4¢ per mile for going to and returning from Court where they live in Wilson County. Where the witnesses attending said Court under subpoena live out of said County, \$1.50 for each day's necessary attendance and 5¢ per mile for every mile traveled in going to and from such Court.

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.

As amended by: Private Acts of 1949, Chapter 301

**SECTION 6.** 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 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, 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 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 7.** 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; and the oath shall

be the same as that prescribed for Circuit Judges and Chancellors. The Judge of such Court shall be a person licensed to practice law in the State of Tennessee.

The Judge of said General Sessions Court shall be incompetent to sit on and to try cases in the instances provided by the Code of Tennessee, as set out in Section 9892 thereof. The Judge of said General Sessions Court is prohibited from accepting employment as an attorney or counsel in any case or lawsuit originating in his said Court or in any case or lawsuit in Wilson County, Tennessee, of which said Court of General Sessions is given jurisdiction to try by this Act or by the law of Tennessee. He may accept employment in all cases or legal matters which do not originate in and of which said Court of General Sessions Court is not given jurisdiction by this Act or by the law of Tennessee.

**SECTION 8.** That the compensation of said Judge shall be Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the ordinary funds of the County, and shall not be decreased during the term for which said Judge is elected.

As amended by: Private Acts of 1949, Chapter 444

**SECTION 9.** That Thomas A. Sexton, Attorney, Lebanon, Wilson County, Tennessee, is hereby appointed first Judge of said Court and he shall serve until the first day of September, 1946, and until a successor has been elected and qualified. His successor shall be elected by the qualified voters of the County, at the election for judicial and other civil officers on the first Thursday of August, 1946, and shall hold said office from the 1st day of September, 1946, until the 1st day of September, 1950, or until his successor is elected and qualified.

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

**SECTION 10.** That if the Judge of said Court fails to attend, cannot preside in a pending case, or for any reason hold Court, or act as Judge, as 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 11.** 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 12.** That the Clerk of the Circuit Court and Criminal Courts of said County shall act 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 Wilson County." The fees, commissions and emoluments of said Court of General Sessions and of said Clerk of said Court shall accrue to said County, and such fees, commissions and emoluments shall be in the amounts as those which Justices of the Peace are authorized to tax, charge, receive and collect under the law of the State of Tennessee.

The Clerk of said Court shall receive compensation for his services in the sum of Twelve Hundred (\$1,200.00) Dollars per annum, payable in equal monthly installments, out of the ordinary funds of said County, and he shall pay to said Court monthly, all fees, fines, commissions and emoluments of said Court of General Sessions and of the Clerk thereof.

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.

As amended by: Private Acts of 1949, Chapter 444, Page 1189.

**SECTION 13.** 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 provided by law in the other inferior Courts.

**SECTION 14.** 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, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 15.** That all of the official dockets, records and papers in cases which are undisposed of or pending in the 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 16.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts 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 judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of

the Peace could do, but for this Act.

**SECTION 17.** 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 this Act, but 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 18.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 16, 1945.

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