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Private Acts of 1939 Chapter 390

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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 1939 Chapter 390

SECTION 1. That there is hereby created and established a court in and for Trousdale County, Tennessee, which shall be designated Court of General Sessions of Trousdale County, Tennessee. Said county shall provide a court room at Hartsville, 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.

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 said county are hereby divested all such jurisdiction and authority, but any Justice of the Peace elected for any district except the district in which Hartsville is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable in his district, 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 is in no wise affected by this Act.

SECTION 3. That before the issuance of any warrant in a civil case, 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 \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleading and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be same as of Justices of the Peace, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of \$50.00, exclusive of interest and cost; however, a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of the judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

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, 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 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 as provided by the constitution of the State of Tennessee for Judges of inferior courts, and the oath and terms of office of said Judge shall be the same as that prescribed for circuit judges and chancellors.

As amended by: Private Acts of 1945, Chapter 10

SECTION 8. That the compensation of said judge shall be Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, on the first day of each month. It shall be paid out of the ordinary funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge may practice his profession in the other courts of the State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided, further, however, he shall not give advice nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

SECTION 9. That for the purpose of carrying out the provisions of this Act L. E. McKlusky is hereby appointed Judge of the Court of General Sessions for Trousdale County, Tennessee, to serve until the regular election in August, 1940, and until his 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, 1940, and shall hold said office from the 1st day of September, 1940, until the 1st day of September, 1942, 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 10. 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 11. 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 12. That the Clerk of the Circuit 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 Trousdale 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 Six Hundred (\$600.00) Dollars per annum payable in equal monthly installments, on the first of each month, out of the ordinary funds of said county, and shall pay to said county monthly all fees, commissions and emoluments of said Court of General Sessions.

While receiving compensation for acting as Clerk of this Court of General Sessions the clerk shall receive no compensation for services rendered in any other Court by reason of judgment over cases arising in this Court of General Sessions; and should any such compensation by this Section excluded be paid said Clerk the county chairman issuing warrant for same shall be personally liable to the county for the amount thereof. Provided, further, that the books and records of the Clerk of the Court of General Sessions of Trousdale County shall be audited by the County Audit Commission quarterly and a detailed report made to the County Court at each quarterly session of said County Court.

The Clerk of said Court and his deputies shall have concurrent authority with the judge 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 1947, Chapter 464

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 that are undisposed of or pending in the offices of Justices of the Peace of said county at the time this Act become 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.

SECTION 17. That the Judge of the Court of General Sessions of Trousdale County is hereby given inquisitorial powers in all misdemeanor cases and shall have the authority to go into the facts of all cases brought before him and upon investigation thereof, if, in his opinion, the facts are not sufficient to convict, he shall have the authority to dispose of the same. The Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery, Circuit, and Criminal Courts to grant fiats and writs of injunction, attachment, and other such action in which fiats are necessary.

As amended by: Private Acts of 1947, Chapter 464

SECTION 18. That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is several, and that should any portion of this Act be held unconstitutional or invalid, the same shall not effect 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 unconstitutional or invalid portions elided therefrom.

SECTION 19. That all laws or parts of laws in conflict with the provisions of this Act be and they hereby are repealed.

SECTION 20. That this Act shall take effect immediately after its passage, the public welfare requiring it.

Passed: March 9, 1939.

COMPILER'S NOTE: See Gregory v. Trousdale County, 193 Tenn. 57, 242 S.W.2d 80 (1951), in which

this Act was challenged by the former Clerk of the Circuit and General Sessions Courts of Trousdale County.

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