



July 03, 2024

Private Acts of 1951 Chapter 193

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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1951 Chapter 193

SECTION 1. That there is hereby created and established a Court in and for Tipton County which shall be designated as the Court of General Sessions of Tipton County. Said County shall provide a courtroom at the County seat and all necessary supplies for the equipment and maintenance of said Court, and shall defray the expenses thereof from the general funds of said County.

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 except the district in which Covington is situated 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 nowise affected by this Act.

SECTION 3. That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs of executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$3.00 nor 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.

It shall be the duty of the Clerk of such Court hereinafter provided for, not later than thirty (30) days after judgments of the Court of General Sessions shall become final, to issue an execution against the party against whom the costs thereof have been adjudged. Likewise, in case of the inability to collect the costs from such party against whom they have been adjudged, evidenced by the return of an execution nulla bona, it shall be the duty of the Clerk, not later than thirty (30) days after the return of such execution, to undertake to collect from the successful party all costs accruing at the instance of such successful party.

SECTION 4. That the rules of pleading 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 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 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 payment 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.

Also, there shall be kept a criminal docket in which shall be entered the disposition of all criminal cases disposed of by the Court of General Sessions, which docket shall show as to misdemeanors now within the jurisdiction of Justices of the peace under the small offense law, the name of the defendant, the charges against him, and the disposition of the case. In cases in which Justices of the Peace do not now have jurisdiction under general law, the Clerk shall be under the duty to procure a minute book and in such minute book he shall enter the action of the Court by appropriate minute entry, setting forth the name of the defendant, his arraignment upon the charge against him, his plea, his waiver of right of trial by indictment, information or presentments, his waiver of a jury trial and his consent to be tried by the Court of General Sessions upon such charge. Likewise, there shall be entered therein a judgment of the Court of General Sessions upon such criminal offense, cognizable by the Court of General Sessions on the waiver of the defendant under subsequent provisions of this Act.

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 said Court, as a condition precedent to his election, shall be a licensed attorney, actively engaged in the practice of law, and no person shall be eligible for election to said office of Judge unless such person has been duly licensed to practice law in this State by the appropriate authorities. The Judge of the Court of General Sessions shall also possess power to issue fiats for extraordinary process returnable to the appropriate Court in which such suit is to be filed.

SECTION 8. That the compensation of the Judge of the Court of General Sessions of Tipton County, Tennessee, shall be the same as the annual salary provided by law for Chancellors and Judges of the Circuit Court. In all other respects, the General Sessions Judge's county benefits and retirement benefits shall be commensurate with the pay as provided herein. The salary shall be paid in not less than equal monthly installments. On July 1, 1999, and every July 1 thereafter, such annual salary of the General Sessions Judge of Tipton County, Tennessee, shall be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103.

As amended by: Private Acts of 1959, Chapter 145,
Private Acts of 1974, Chapter 372,
Private Acts of 1997, Chapter 63,
Private Acts of 2017, Chapter 23.

SECTION 9. That the Governor shall appoint 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.

At the August election 1952 there shall be elected some person possessing the qualifications required who shall serve until September 1, 1958. His successor shall be elected at the election for judicial and other civil offices on the first Thursday of August, 1958, and every eight (8) years thereafter at such election, and for the term provided by the Constitution of the State of Tennessee for Judges of Inferior Courts.

SECTION 10. [Deleted by Private Acts of 2017, Chapter 23].

SECTION 11. [Deleted by Private Acts of 2017, Chapter 23].

SECTION 12. That the Clerk of the Circuit Court 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 Tipton County". The fees, commissions and emoluments of said Court of General Sessions shall accrue to said Clerk, subject to the provisions of Code Section 10727.

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.

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 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 said Court shall have authority to hear and determine all undisposed of cases arising in the present Court of General Sessions 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 15. 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 with punishment within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such cases, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 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 \$50.00. The Judge of said Court shall have the same authority and power as have the Circuit and Criminal

Court Judges of the State to suspend or probate any fine or sentence or part of same imposed by him in a misdemeanor case. And it shall further be the mandatory duty of said Judge to try and determine and render final judgment on all first offense driving while intoxicated cases brought before him where the offense does not merit a fine in excess of \$50.00 and where the person charged with such offense enters a plea of guilty or requests a trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation, and jury trial.

As amended by: Private Acts of 1959, Chapter 149.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Circuit Court of Tipton 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 appeal, when properly taken to the Circuit Court of Tipton 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 judgement rendered by him in such case.

The Judge of the Court of General Sessions shall have the power to and may adopt such rules as may be necessary to expedite the trial and disposal of cases.

SECTION 16. That from and after September 1, 1966, there shall be conferred upon the General Sessions Court of Tipton County, the jurisdiction, power and authority concurrent with the Circuit and Chancery Court to hear and determine all cases of divorce, alimony and separate maintenance with full power and authority conferred upon the Circuit and Chancery Court, to enforce all of its orders, decrees and judgments.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 17. That for the purpose of determining matters under the divorce jurisdiction conferred herein, the first Monday of each month shall be the beginning of a new term of said Court and each day of the month said Court is in session shall be a rule day. All process issued from said Court shall be returnable to the first day of the term next succeeding its issuance unless such process shall be served less than five full days prior to the return date, and in that event said process shall be returnable to the first day of the next succeeding term, provided, however, an order pro confesso shall not be entered in any case until the lapse of four full days from and including the return date.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 18. That any appeal from the final decree of said Court in any matter determined under the divorce jurisdiction conferred herein shall be to the Court of Appeals at Jackson or the Supreme Court at Jackson in the same manner as appeals are taken from the Chancery Court.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 19. That in the event either party shall demand a jury to determine any issue joined under the divorce jurisdiction conferred hereunder, the Clerk of said Court shall empanel a jury in the same manner as a jury trial in the Chancery Court.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 20. That all undisposed of divorce proceedings pending before the Judge of the County Court of said County on September 1, 1966, shall be transferred to the said General Sessions Court and shall be subject to the orders, decrees and judgments of said General Sessions Court as if they had been commenced in that Court. For the purposes of this Act the term "undisposed of divorce proceedings" shall mean and include all matters of child custody, child support, alimony and any other matters or actions for which the cause was retained in said County Court even though a final decree of divorce had been entered.

As amended by: Private Acts of 1965, Chapter 218.

Private Acts of 1967-68, Chapter 407.

SECTION 21. That the Clerk of the County Court of said County shall transfer to the Clerk of the General Sessions Court of said County all of the papers and certified copies of minute entries of each undisposed of divorce proceeding pending in his Court as defined in Section 20 above when any further proceeding is required in such cases.

As amended by: Private Acts of 1965, Chapter 218.

Private Acts of 1967-68, Chapter 407.

SECTION 22. That the General Sessions Court of said County shall be a Court of record for the sole purpose of exercising the divorce jurisdiction herein conferred and it shall be the duty of the Clerk of said Court to keep and maintain for that purpose such dockets and minute books as are kept by courts of record.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 23. That the General Assembly 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 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.

As amended by: Private Acts of 1965, Chapter 218.

SECTION 24. That this Act shall take effect from and after its passage, the public welfare requiring it.

As amended by: Private Acts of 1965, Chapter 218.

Passed: February 12, 1951.

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