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Private Acts of 1949 Chapter 481

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 481

SECTION 1. That there is hereby created and established a Court in and for Sumner County, Tennessee, which shall be designated "Court of General Sessions of Sumner County, Tennessee." Said county shall provide a Court Room at Gallatin, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general county funds of said county. The regular place for holding said Court shall be at the Court Room provided for said Court in Gallatin, Tennessee, but said Court may be held, in the discretion of the Judge thereof, at any other place or places in Sumner County, Tennessee, at such times and places as the Judge may designate.

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.

SECTION 3. That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

SECTION 4. 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 Twenty-five (\$25.00) Dollars, or by making a cash cost deposit of not less than One Dollar and Fifty Cents (\$1.50) nor more than Twenty-five (\$25.00) Dollars, or shall take the oath prescribed for poor persons, and on motion the Court may in his discretion increase the amount of such bond or deposit.

SECTION 5. 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; provided, however, that the Court of General Sessions for Sumner County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Sumner County, where such appeal shall be tried by a Judge or such Court without a jury, and without indictment or presentment. That it shall be the mandatory duty of the Judges of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Courts may proceed to hear and determine such case as is provided in Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads
_____ guilty to the offense of _____ and waives his
right to be tried only by indictment or presentment preferred by a Grand Jury,
and likewise waives trial by a jury of his peers. _____

SECTION 6. 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 offices, 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 7. That separate dockets 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 8. 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 of Tennessee; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

SECTION 9. That the compensation of said Judge shall be Eighteen Thousand Seven Hundred (\$18,700.00) Dollars per annum, payable in equal monthly installments. It shall be paid out of the general funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office, except that he may act as Judge of the City Court of Gallatin, Tennessee, under any contract made by the said city with the County of Sumner.

As amended by: Private Acts of 1974, Chapter 306.

COMPILER'S NOTE: Section 9 of this Act has been superseded, although not expressly repealed by Private Acts of 1982, Chapter 236, Section 17, printed in this volume.

SECTION 10. That J. W. Murrey, Senior, of Gallatin, Tennessee is hereby appointed the first Judge of said Court, who shall serve until the first day of September, 1950, and until his successor has been elected and qualified. His successor shall be elected by qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1950, and shall hold said office from the first day of September, 1950, until the first day of September, 1958, 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 11. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, 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 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 12. 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 13. 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 Sumner County." The fees, commissions and emoluments of said Court of General Sessions shall be the same as such fees would have been if the process, subpoenas, executions and all other papers had been issued by Justices of the Peace, and the same shall accrue to and be paid to the Clerk of said Court when such papers are actually issued by said Clerk. Provided, however, that when such papers shall have been issued by a Justice of the Peace of Sumner County, Tennessee, the fees, as provided by law, shall accrue to and be paid to such Justices of the Peace of Sumner County, Tennessee, who actually issued such papers, process, etc. 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 857.

SECTION 14. 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. Provided, however, that no Sheriff, Deputy Sheriff, or Constable shall be entitled to any fees merely for opening and closing said Court, or for waiting upon said Court as Court Officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said Court without any further compensation for such services.

SECTION 15. 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 16. 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 17. That said Court shall have authority to hear and determine all undisposed of cases arising in the Court 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 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 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 19. That this Act shall take effect on July 1, 1949, and not until then, except that after the passage of this Act prior to July 1, 1949, said county shall make provision for a Court Room and otherwise as provided in Section 1 hereof, but such Judge and Clerk of said Court shall not take the oath of office or be entitled to any salary until July 1, 1949, the public welfare requiring it.

Passed: April 1, 1949.

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