



July 22, 2024

Private Acts of 1951 Chapter 657

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,

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 657

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

Scott County 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. One of said rooms shall be located at Oneida, Tennessee, the other in Huntsville, Tennessee.

SECTION 2. That said Court of General Sessions is on and after April 1, 1951, 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 Scott County are on and after April 1, 1951, hereby divested of all such jurisdiction and authority.

The authority of said Justice 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. However, justices of the peace in all civil districts may issue civil and criminal warrants and search warrants but all such warrants so issued by justices shall be returnable to the General Sessions Court.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine all cases of domestic relations, including but not limited to, cases and proceedings of divorce, annulment, child custody, spousal and child support, and all other proceedings incident thereto with the full power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine cases involving workers' compensation and shall have the full power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine all cases and proceedings involving the emergency custody and hospitalization of persons believed to be mentally ill, and shall have the power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

All cases brought in the general sessions court for Scott County under this act shall be in accordance with the form for pleadings and practice and the local rules, where applicable, in the circuit and chancery courts of Scott County and said cases shall be tried as like cases are tried in the circuit and chancery courts. The clerk of the general sessions court, and the procedure in each case shall be in accordance with the practice and rules of the circuit and chancery courts.

As amended by: Private Acts of 1955, Chapter 51
Private Acts of 2006, Chapter 80

SECTION 3. The court shall sit in Huntsville at least five (5) days a week. The clerk shall reside in Scott County, Tennessee, and shall be available to perform the duties of the court.

As amended by: Private Acts of 1976, Chapter 255

SECTION 4. 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 5. That the jurisdiction of said Court shall be co-extensive with the boundaries of Scott County, Tennessee, and the said Judge shall have power and authority to hear and try all cases over which he has jurisdiction at any courtroom established therefor, or at such other place or places in Scott County as he may determine to be more feasible and convenient for the parties.

SECTION 6. That the rules of pleading and practice, form of writs and process, stay of judgments, and appeals 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 for attendance and mileage of witnesses shall be the same in said Court as those provided by law of 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, or to some one of his Deputy Clerks, and by him and his Deputies 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 shall be 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 or 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 Scott County, Tennessee, and who shall have the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts, who shall before entering upon his duties as such take and subscribe an oath of office similar to that prescribed for Circuit Judges and Chancellors; and who shall also before entering upon his duties execute an official bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithful accounting for all money coming into his hands.

SECTION 10. That the compensation of said Judge shall be \$4,000.00 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 said Judge is elected.

In addition to said compensation, the said Judge shall be reimbursed for mileage actually driven in the performance of his official duties, between offices, and otherwise, said mileage to be paid for at the rate of ten (10¢) cents per mile, and not to exceed One Thousand (1000) miles per month. Said Judge shall file a sworn statement of his mileage each month with the County Judge of said County, who shall issue a warrant payable out of general funds of said County for these expenses.

Effective September 1, 2006, the compensation of the judge of the General Sessions Court of Scott County shall be ninety-five thousand dollars (\$95,000) per annum. Such salary shall not be increased or decreased during the judge's term of office except for annual cost of living adjustments as is provided by law for other such judges.

As amended by:

Private Acts of 1959, Chapter 353
Private Acts of 1963, Chapter 282
Private Acts of 2006, Chapter 80

SECTION 11. That Dorsey E. Rosser of Scott County, Tennessee, is hereby named as Judge of the Trial Justice Court of Scott County, Tennessee, and he shall serve until the first day of September, 1952, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1952, to serve until the first day of September, 1952, or until his successor is elected and qualified. His successor shall be elected every eight years thereafter for a term of eight years. The Governor of the State of Tennessee shall fill any vacancy which might result from the death, resignation, or incapacity of the Judge of the Trial Justice Court by appointment as is now provided by law for filling vacancies created by the death, resignation, or incapacity of a Circuit Judge.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold said 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 the Clerk of the Circuit Court of Scott County, Tennessee, 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 Scott County." Such Clerk is authorized and required to designate to serve at his pleasure one Deputy Clerk, who shall reside in Scott County, Tennessee.

Said Clerk and his said Deputy Clerk are hereby authorized to perform the duties of said Court of General Sessions; except the Clerk and his Deputy Clerk shall not hear and determine cases. The Clerk and his Deputy Clerk shall not have authority to issue any writ or other process which under the Constitution and laws are restricted to issuance only by the Judge of said Court. For his or her additional duties and services as Clerk of said Court of General Sessions, such Clerk shall receive as compensation the sum of \$1200.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Scott County. The Deputy Clerk shall receive as compensation for his or her services the sum of \$900.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Scott County.

Said Clerk and Deputy Clerk shall perform all duties required of them by the Court of General Sessions, and shall receive, safely keep and account for all funds received by said Court, and shall pay over to Scott County quarterly all fees, commissions, and emoluments of said Court.

The Clerk and Deputy Clerk of said Court shall have concurrent jurisdiction and authority with the Judge of said Court in the filing of all papers, pauper oaths, appeal bonds, etc., and in the issuance of all processes required to be issued from said Court, except such processes as under the Constitution and laws can only be issued by the Judge.

SECTION 14. That before entering upon their duties, said Clerk of said Court and his Deputy Clerk shall each subscribe an oath for the faithful performance of their duties, and each shall 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 or her hands and for the faithful performance of his or her duties.

SECTION 15. That the Sheriff of Scott County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court, or issued by the Clerk or Deputy Clerk thereof, with the same authority as provided by law in the other inferior Court.

SECTION 16. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Scott 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 the Justices of the Peace of Scott County, Tennessee, are divested of their jurisdiction and authority to hear and determine civil and criminal cases on and after April 1, 1951, as provided in this Act.

SECTION 17. That said Court of General Sessions of Scott County, Tennessee, shall have jurisdiction and authority to hear and determine all undisposed of cases on and after April 1, 1951, arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions and other necessary writs and orders on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgments.

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 at the close of business on the last day of March 1951, 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 Scott County as provided by law.

SECTION 19. That the Legislature 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions alided (sic) therefrom.

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

Passed: March 16, 1951

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