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# Private Acts of 1949 Chapter 125

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Sincerely,

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# Private Acts of 1949 Chapter 125

**SECTION 1.** That there is hereby created and established a court in and for Putnam County, Tennessee, which shall be designated the Court of General Sessions of Putnam County, Tennessee. The court shall be held in Cookeville and also at Monterey, the dates of which shall be fixed by such Judge and Putnam County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for the same out of the general funds of the county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 2.** That the jurisdiction, powers and authority of said court shall be coextensive with Putnam County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Putnam County are hereby divested of all of such jurisdiction, powers and authority with the exception of the power and authority to issue search warrants, criminal warrants and mittimi, and fix bonds, the trial of the defendant on such, however, to be made by the Judge of the Court of General Sessions, hereinafter provided for. The Justices of the Peace issuing such search warrants, criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of rites of matrimony is in nowise affected by this Act.

As amended by: Private Acts of 1972, Chapter 265

**SECTION 3.** That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars or in lieu thereof, make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the court may increase the security.

**SECTION 4.** That the laws now governing pleading and practices; stay of and appeals from judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

**SECTION 5.** That the Judge of said court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 6.** That in all matters the costs and fees of the 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, and all other officers, for the execution of writs and processes of said court and fees for 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 the court, shall accrue to the Clerk of the court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff and all other officers, for services to said court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 7.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the Sheriff, and all other officers for their respective services, fees and witnesses for attendance, credits for payments upon judgments and upon costs, and the manner in which the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the records of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who received the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets. The criminal warrants and mittimi issued by the Justices of the Peace shall be returned immediately to the Clerk of the Court of General Sessions and docket as herein required as to those issued by the Judge and Clerk of said court.

**SECTION 8.** Beginning September 1, 1994, the court shall be divided into Part I and Part II, and there shall be two (2) Judges for the court. Each Judge shall have all the qualifications as prescribed by law for circuit court judges, shall take the oath prescribed for circuit court judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Putnam County, whether by general law or private act, specifically including but not limited to probate jurisdiction conferred under Chapter 229 of the Private Acts of 1965, as amended. The present Judge of the court shall become the Judge of Part I

of the court. At the 1994 regular August election, a Judge of Part II of the court shall be popularly elected to an initial four (4) year term, and to eight (8) year terms thereafter, and shall take office on September 1 after the election. Beginning September 1, 1994, the Judge of Part I shall be the Senior Judge, who shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court. At the end of one (1) year, the Judge of Part II shall be designated Senior Judge, with all of the above authority and responsibility. The Judges shall rotate the position of Senior Judge each year thereafter on September 1.

As amended by: Private Acts of 1949, Chapter 451  
Private Acts of 1994, Chapter 134

**SECTION 9.** The Judges of the court shall receive compensation as provided by general law, payable in equal monthly installments, which shall be paid out of the general funds of the county, and which shall not be increased or diminished during the term for which said Judge is elected, and said Judge shall give all his working time to duties of his office and shall not practice in or before any of the other courts of the State; provided, however, such Judge may appear in such other courts for the purpose of concluding to a final termination any case which he may have pending at the time he takes office as such Judge.

As amended by: Private Acts of 1957, Chapter 291  
Private Acts of 1994, Chapter 134

**COMPILER'S NOTE:** See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

**SECTION 10.** That the court herein established 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 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 incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, 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.

In addition to the duties, powers and authority enumerated above, the Judge of the General Sessions Court of Putnam County shall have authority, jurisdiction, and power to grant all extraordinary writs of injunction and attachments the same as the Circuit Judges and the Chancellors of the State now have and that he shall also exercise this power and authority in the same manner as the Chancellors and Circuit Judges. Said Judge shall also have the authority and power to suspend any penalty imposed by him upon a defendant in a misdemeanor case, provided application is made for a suspension in such cases within the time allowed for an appeal from the General Sessions Court to the Circuit Court in said County.

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 Criminal Court of Putnam 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 Criminal Court of Putnam County, shall be tried by the Judge of the Criminal Court without a jury and without indictment and presentment, 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 judgment rendered by him in such case. The Judge of the General Sessions Court of Putnam County shall have the same power and authority to punish for contempt of court as the Circuit or Criminal Court.

As amended by: Private Acts of 1957, Chapter 291  
Private Acts of 1972, Chapter 265

**SECTION 11.** That for the purpose of filling the vacancy occasioned by the creation of such judgeship, John E. Bryan is hereby designated and appointed as such Judge, who shall serve until September 1, 1950, and until his successor shall be elected and qualified. At the August election, 1950, there shall be elected by the qualified voters of Putnam County a Judge thereof, who shall hold office for a period of eight years from September 1, 1950, or until his successor shall be elected. Thereafter, his successor shall be elected every eight years at such election for a term provided by a law for Judges of Inferior Courts.

**SECTION 12.** 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 take the same oath and have the same authority as a regular Judge to hold the court for the occasion.

**SECTION 13.** 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, until the September 1st following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by qualified voters of Putnam County.

**SECTION 14.** That the Clerk of the Circuit Court of Putnam County shall act as the Clerk of said Court of General Sessions, and when acting as such Clerk shall be designated "Clerk of the Court of General Sessions of Putnam County". Said Clerk is hereby authorized to perform the duties of the Clerk of said court, and the fees, commissions and emoluments of said Court of General Sessions shall constitute the fees, commissions and emoluments of the office of the Clerk of the Court of General Sessions of Putnam County, Tennessee, up to the sum of Twenty-four Hundred (\$2,400.00) Dollars per year, and all such fees, commissions and emoluments received by him in excess of Twenty-four Hundred (\$2,400.00) Dollars shall accrue to the County of Putnam. He shall have authority to appoint a deputy or deputies who shall have the same authority in issuing papers as the Clerk himself has under this Act. The Clerk of said Court and his deputies shall have concurrent authority with the Judges thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued by a judicial officer.

**SECTION 15.** That at the request of the Judge of such Court of General Sessions the Sheriff of Putnam County shall assign a regular deputy sheriff to attend the sessions of the Court and to perform the same functions as do officers generally in attendance upon Courts of Record. 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 now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace for said county.

As amended by: Private Acts of 1949, Chapter 451

**SECTION 16.** That this Act shall in no way impair the right, title or interest of any Justice of the Peace of Putnam County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said county, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

**SECTION 18.** That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Putnam County as if such cases had originated in said Court of General Sessions, and shall power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act be severable, and that if any portion of this Act shall be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: February 8, 1949.

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