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Private Acts of 1951 Chapter 34

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 34

SECTION 1. That there is hereby created and established a Court in and for Lincoln County, Tennessee, which shall be designated Court of General Sessions of Lincoln County, Tennessee. Said County shall provide a court room in the Town of Fayetteville, Tennessee, dockets, furnishing and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general funds of said County.

The Judge of the Court of General Sessions of Lincoln County, Tennessee, shall hold said Court in the court room so provided; and in his discretion the Judge of said Court may hold Court or try a case or cases in any part or locality of Lincoln County that he deems to be more convenient and accessible to the litigants and witnesses.

That it shall be mandatory duty of the Judge of the Court of General Sessions to open and hold said Court each day at 9:30 A.M. Central Standard Time in the courtroom herein provided for. The holding of Court on Sundays and holidays is expressly excepted. It shall also be the further duty of said Judge to dispose of all matters and cases presented to him or set for trial on each day when the Court is opened for regular business. It being the purpose of this Act to expedite the business presented to said Court and to prevent any delay in the trial and disposition of cases pending before said Court. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

As amended by: Private Acts of 1957, Chapter 86

SECTION 2. That the Court of General Sessions of Lincoln County, Tennessee, shall be and is hereby vested with all of the jurisdiction and shall exercise all of 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 Justices of the Peace of said County shall have authority to issue search warrants, and arrest warrants and accept appearance bonds and may issue summons, attachments and all other leading process which Justices of the Peace are authorized by general law to issue, and take security for the costs of such suits or administer paupers' oaths as required or permitted by law. But all process issued by Justices of the Peace shall be returnable to the Court of General Sessions of Lincoln County, Tennessee.

The authority of said Justices of the Peace of Lincoln County, Tennessee, in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony, is in no wise affected by this Act.

Juvenile Court jurisdiction under Tennessee Code Annotated, Title 37, is hereby vested in the Court of General Sessions of Lincoln County until August 31, 1982. The Judge of the Court of General Sessions of Lincoln County shall have all the rights, powers, and jurisdiction of the Juvenile Court Judges as provided in Tennessee Code Annotated, Title 37, and such Judge shall regularly conduct such court proceedings in such county accordance with the provisions of Tennessee Code Annotated, Title 37, until August 31, 1982.

As amended by: Private Acts of 1953, Chapter 391
Private Acts of 1980, Chapter 331

SECTION 3. That before the issuance of any warrant in any civil case, the plaintiff shall secure the costs by executing a cost bond with good security in a sum not less than \$25.00, or by making a cash cost deposit of not less than \$5.00, 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, form 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 fee, 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 when any defendant is brought before the Court of General Sessions of Lincoln County,

Tennessee, charged with any crime or misdemeanor, it shall be the mandatory duty of the Judge of said Court to inform said defendant of his constitutional rights, and to advise him as to his right to employ and be represented by counsel and his right to make a statement or decline to make any statement, and to aid said defendant, in so far as it is necessary and reasonable, in contacting counsel and relatives or friends, and in procuring the attendance of his witnesses.

SECTION 7. 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 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, who shall be learned in the law, and with all of the qualifications and the same term of office as provided by the Constitution of the State of Tennessee for inferior Courts; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors. As amended by: Private Acts of 1953, Chapter 391.

SECTION 9. That compensation of the Judge of the Court of General Sessions of Lincoln County, Tennessee, shall be \$3,000.00 per annum, payable in equal monthly installments. Said salary shall be paid out of the General County Funds of Lincoln County.

The county legislative body may in its discretion increase such salary in order to compensate the Judge of the Court of General Sessions for the additional responsibilities assumed upon the vesting of Juvenile Court jurisdiction in such court.

As amended by: Private Acts of 1980, Chapter 331.

SECTION 10. That the first Judge of said Court shall be A. E. Simms, Jr., who 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 Lincoln County at the election of other civil officers on the first Thursday of August, 1952, and shall hold said office from the first day of September, 1952, until the first day of September, 1958, or until his successor is elected and qualified. His successor shall be elected at the election for judicial and other civil officers, on the first Thursday of August, 1958, and every eight years thereafter, at such election for the term provided by the Constitution of the State of Tennessee, for Judges of inferior Courts.

SECTION 11. That if the Judge of said Court fails to attend, cannot preside in a pending case 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 Judge, and when elected he shall take the same oath and have the same authority as the regular Judge of said Court, to hold the Court and perform all of the duties of such Judge for the occasion.

SECTION 12. That in the case of vacancy for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until the first day of September following the next biennial August election occurring more than thirty days after the vacancy occurs or until his successor is qualified.

SECTION 13. That the Clerk and Master of the Chancery 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 Lincoln County, Tennessee." 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 Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments out of the general funds of said County, and shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions, and the same shall become a part of the general funds of Lincoln County, Tennessee. 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 1953, Chapter 391

SECTION 14. That the Sheriff of said County, or any deputy sheriff or constable thereof, shall serve legal process, writs, and papers issued from said Court with the same authority as provided by law in regard to Justices of the Peace Courts.

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, or may hereafter become entitled to.

As amended by: Private Acts of 1953, Chapter 391

SECTION 16. 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 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 that 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 Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

SECTION 18. That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Lincoln County, Tennessee, from practicing law in the Chancery Courts, Circuit Courts, County Courts, and Appellate Courts of the State of Tennessee, except in cases having their origin in said Court of General Sessions of Lincoln County, Tennessee.

SECTION 19. That the General Assembly of the State of Tennessee expressly declares that each section, sub-section, 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 of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 20. That this Act shall take effect thirty days after its passage, the public welfare requiring it.
PASSED: January 19, 1951.

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