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Private Acts of 1943 Chapter 55

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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 1943 Chapter 55

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

Court rooms and adequate facilities for said Court shall be provided in the Courthouse at Lawrenceburg; and it shall be the duty of the County Judge of said County to make provisions therefor, and to provide necessary furnishings, equipment and supplies for said Court and its proper maintenance; and the expenses of same shall be paid out of the general funds of the County.

Adequate clerical help shall be provided for such Court and the expenses of the same shall be paid out of the general funds of the County.

As amended by: Private Acts of 1943, Chapter 455
Private Acts of 1977, Chapter 159

SECTION 2. That the Court of General Sessions of Lawrence County, Tennessee, is hereby vested with all the jurisdiction and shall exercise all the authority conferred by the General Assembly upon Justices of the Peace in civil and criminal cases, suits and actions, all of which jurisdiction and authority is hereby divested out of Justices of the Peace of said County except that hereinafter expressly reserved in and not divested out of them, and also the additional jurisdiction and authority hereinafter provided for, which jurisdiction and authority shall be coextensive with Lawrence County, Tennessee; PROVIDED, however, that nothing in this Act shall be construed to divest the Justices of the Peace of said County of such jurisdiction and authority until a Judge for said Court shall have been elected and qualified as hereinafter provided for; and PROVIDED, further, that any Justice of the Peace elected or serving for any civil district of said County may issue criminal and search warrants against, and accept appearance bonds from, any person charged with an offense, and may issue subpoenas for witnesses in civil or criminal actions heretofore triable by a Justice of the Peace, but all such warrants, bonds, subpoenas and process shall be returnable to and triable by said Court of General Sessions; and PROVIDED, further, that 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.

There is hereby transferred all of the judicial duties formerly vested with the County Judge of Lawrence County to the General Sessions Court of Lawrence County and such General Sessions Court shall assume all of the judicial functions formerly exercised by the County Judge of Lawrence County beginning on August 1, 1977, including but not limited to all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 37, Chapter 2 upon the County Judge or Chairman of the County Court as a Juvenile Court, and all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the County Judge or Chairman of the County Court as a judicial officer in probate.

As amended by: Private Acts of 1943, Chapter 455
Private Acts of 1977, Chapter 159

SECTION 3. That before the commencement of any civil actions in said Court, the plaintiff shall be required to secure the costs by executing a cost bond with solvent security in a penalty of not less than \$25.00, or by making a cash deposit of not less than \$3.00 nor more than \$25.00 as may be deemed proper by the Judge or Clerk of said Court, or if a resident of the State of Tennessee, may in lieu thereof take and file the oath prescribed for poor persons, and on motion of the defendant, or on its own motion, the Court may have the amount of any such bond or cash deposit increased; and in the case of the issuance of extraordinary process such bond or oath shall be executed and filed as is required under the general laws for extraordinary process in Justice of the Peace Courts.

SECTION 4. That said Court shall be in session daily, except Sundays and legal holidays, and the Sheriff of Lawrence County, Tennessee is authorized to take bail or appearance bonds of persons charged with criminal offenses for either arraignment or for trial in said Court of General Sessions; and said Court may, by agreement of the parties, try any civil or criminal cases on any legal holiday or at night, and may be in session on Sundays for the examination, commitment to jail or the taking or fixing of bail for the appearance of the accused in criminal cases.

As amended by: Private Acts of 1945, Chapter 318
Private Acts of 1947, Chapter 11
Private Acts of 1947, Chapter 12

SECTION 5. That the rules of pleading and practice, forms of writs and process and stays of and appeals from judgements in civil cases in said Court shall be the same as now or hereafter provided by the general laws for Courts of the Justice of the Peace.

SECTION 6. That the Court of General Sessions of Lawrence 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 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 in such cases may be appealed to the Circuit Court of Lawrence County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

As amended by: Private Acts of 1943, Chapter 455

SECTION 7. That it shall be the mandatory duty of the Judge 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 said case as is provided in Section 6 hereof. Such waiver shall be in writing, signed by the defendant, written on or attached to the warrant, and in the form and of contents substantially as follows

'The defendant, _____, pleads _____ guilty to the offense of _____, and expressly waives his or her right to be tried only by or upon indictment or presentment preferred by a Grand Jury, and likewise expressly waives the right to and trial by a jury of his or her peers. (Signed) _____ Attest:
_____ Clerk.'

As amended by: Private Acts of 1943, Chapter 455

SECTION 8. That no warrant or information charging a person with an offense against the laws of the State shall be delivered from said Court to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk or Judge showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

SECTION 9. That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Circuit Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

SECTION 10. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for the 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 for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Court of Justices of the Peace.

All 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 11. That separate dockets shall be kept by the Clerk, under the direction of the 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.

The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 8 of this Act.

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.

As amended by: Private Acts of 1943, Chapter 455

SECTION 12. That there shall be a Judge for said Court, who shall be a person licensed to practice law in Tennessee, and actively engaged in the practice of law, and with all other 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.

COMPILER'S NOTE: The provision of this section requiring a license to practice law was held valid and

constitutional in Perry v. Lawrence County Election Commission, 411 S.W.2d 538 (1967).

SECTION 13. The compensation of the General Sessions Judge from and after September 1, 1982, shall be thirty-four thousand seven hundred ninety-four and 12/100 (\$34,794.12) dollars per annum, consisting of twenty-seven thousand two hundred and ninetyfive and 12/100 (\$27,295.12) dollars as provided in the general act pertaining to class four (4) counties plus a seventy-five hundred (\$7,500.00) dollars supplement for juvenile and probate jurisdiction. It shall be paid out of the general fund of the county and in equal monthly installments. Said salary shall be subject to the costs of living increases as shall hereafter be provided by law.

Said judge shall serve full time and is prohibited from practicing law. Said judge shall hold court at reasonable times in order that all matters under the jurisdiction of the court of general sessions may be expediently disposed of.

As amended by: Private Acts of 1945, Chapter 550
Private Acts of 1957, Chapter 19
Private Acts of 1977, Chapter 159
Private Acts of 1982, Chapter 289

SECTION 14. That the first Judge shall be elected by the qualified voters of the County at the election for other County officers in August, 1944, and shall take office September 1, 1944, and shall serve for a period of eight years, and until his successor is elected and qualified as is provided by law for judges of inferior courts. Said election shall be conducted in accordance with the general election laws of the State of Tennessee.

In the event of a vacancy in said office of Judge, the Governor shall have and exercise the authority to appoint a person, qualified as herein provided, to fill such vacancy.

As amended by: Private Acts of 1943, Chapter 455

SECTION 15. That if the Judge of said Court fails to attend, cannot attend, cannot preside in a pending cause, or for any reason fails to hold court, a majority of the attorneys present in such Court may elect one of their number, who has the qualification of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion of the absence, for any such reason, of the regular Judge of said Court, and the Circuit Judge or Chancellor may preside and hold said Court by interchange. Elections of special Judges for such occasions shall be in accordance with the law governing the elections of other Judges in such cases, at which elections the Clerk shall preside, and such special Judges shall not be entitled to compensation for such services.

As amended by: Private Acts of 1943, Chapter 455

SECTION 16. That the Clerk of the Circuit Court of Lawrence County, Tennessee, shall act as Clerk of said Court of General Sessions, except with respect to the judicial jurisdiction transferred from the County Judge to the Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Lawrence County, Tennessee." Said Clerk is hereby authorized and directed to perform the additional duties of Clerk of and for said Court, and shall receive as compensation therefor the sum of Eighteen Hundred (\$1,800.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the general fund of the County. Said salary of \$1,800.00 to be in addition to the salary already paid him as Circuit Court Clerk for said County. The Judge of the County Court shall issue warrants drawn upon the Trustee for the payment of said salary as provided herein. All fees, costs, commissions and emoluments accruing under the provisions of this Act and other laws to, for or by reason of services rendered by the Judge and Clerk of said Court, respectively, shall be payable to and collected by the Clerk, and be reported on and paid monthly by the Clerk to the County Trustee of Lawrence County, to be placed in or credited to the general fund of the County. All fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, accounted for and disbursed or paid over as provided by law.

The Clerk of said Court shall have concurrent authority with the Judge 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 1943, Chapter 455
Private Acts of 1945, Chapter 550
Private Acts of 1947, Chapter 14
Private Acts of 1949, Chapter 740
Private Acts of 1977, Chapter 159

SECTION 17. 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 heretofore provided by law.

SECTION 18. That this Act shall in nowise impair the right, title or interest of any Justices of the Peace of Lawrence County to any unpaid fees, or fund 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 19. That all the official records, papers, process and dockets in all cases before, returnable or deliverable to or in the offices, Courts or custody of Justices of the Peace of said County when this Act shall become effective upon the qualification and induction into office of the first Judge of the Court of General Sessions provided for herein, and meaning in cases which may then have been disposed of and in cases which may not then have been disposed of or closed out, such as those involving uncollected judgements, costs and the like, and meaning Justices of the Peace of said County in office at or up to the time of this Act so becoming effective and also their predecessors in such offices and other former Justices of the Peace of said County, shall be delivered to said Court of General Sessions as the successor of the Justices of the Peace.

As amended by: Private Acts of 1943, Chapter 455

SECTION 20. That said Court shall have authority to hear and determine all undisposed cases arising in the Courts of Justice of the Peace of Lawrence County as if such cases had originated in said Court of General Sessions. And said Court shall have power to issue executions and other final process on judgments rendered by Justices of the Peace.

As amended by: Private Acts of 1943, Chapter 455

SECTION 21. 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 therefrom.

SECTION 22. That all laws and parts of laws in conflict with this Act which apply to Lawrence county, Tennessee, be and the same are hereby repealed.

SECTION 23. That this Act shall take effect from and after the date or dates necessary and herein contemplated for the purposes of this Act and appearing from the fare hereof, being those fixed by the general election laws of the State in so far as qualifications of candidates for and election of the first Judge of said Court in the August, 1944, elections, as herein provided, are concerned, including certification of the person so elected, and, in other respects, from and after the date of September 1, 1944; this Act being prospective in its operation.

As amended by: Private Acts of 1943, Chapter 455

Passed: January 11, 1943.

COMPILER'S NOTE: See Moore v. Lawrence County, 190 Tenn. 451, 230 S.W.2d 666 (1950) and Morrison v. Crews, 192 Tenn. 20, 237 S.W.2d 1 (1951), in which the provisions of these Acts were discussed.

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