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# General Sessions Court

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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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# General Sessions Court

## Private Acts of 1953 Chapter 537

**SECTION 1.** That there is hereby created a Court of General Sessions for Hickman County. Said Court shall have the jurisdiction in civil and criminal cases conferred by law on Justices of the Peace and Justice of the Peace in said County are hereby divested of all jurisdiction in civil and criminal cases. Provided that any Justices of the Peace of said County may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in said County, but all process issued by Justices of the Peace shall be returnable to said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rights of matrimony is in no manner impaired by this Act.

Hickman County shall provide a court room and all necessary furnishings and supplies for said Court of General Sessions, to be paid for out of the general funds of said County. The Judge of said Court of General Sessions shall hold Court in the court room so provided, but in his discretion he may hold Court in any part of Hickman County that he deems to be more convenient and accessible to the litigants and witnesses.

**SECTION 2.** 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 nor 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 3.** 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 applicable to Justices of the Peace.

**SECTION 4.** 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 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 provided by general law.

**SECTION 5.** That separate dockets shall be kept 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 6.** That there shall be one Judge for said Court who shall possess the same qualifications as required for Judges of inferior courts. The compensation of said Judge shall be \$3,000.00 per year, payable in equal monthly installments out of the general funds of the County. C. B. Murphee shall serve as Judge until the next regular election. At the regular election for county officers in August 1954 the qualified voters of Hickman County shall elect a Judge who shall serve from September 1 following his election until September 1, 1958. At the regular election for judicial officers in August 1958, and every eight years thereafter, the qualified voters of Hickman County shall elect a Judge who shall serve eight years from September 1 following his election.

**SECTION 7.** 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 8.** 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 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 9.** That the Clerk of the Circuit Court of said County shall serve as Clerk of said Court of General Sessions. He 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 to be issued only by a judicial officer.

**SECTION 10.** 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 Courts of Justices of the Peace.

**SECTION 11.** 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 12.** That all 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. The Court of General Sessions 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 13.** That none of the provisions contained in this Act shall be construed to prohibit the Judge of said Court of General Sessions from practicing law in the Chancery, Circuit, County, and Appellate Courts of this State, except in cases having their origin in said Court of General Sessions.

**SECTION 14.** That this Act is declared to be severable and if any provision of the same is held to be unconstitutional such holding shall not affect the remainder of this Act.

**SECTION 15.** That this Act shall take effect May 1, 1953, the public welfare requiring it.

Passed: April 7, 1953.

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