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Private Acts of 1957 Chapter 214

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,

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Private Acts of 1957 Chapter 214

SECTION 1. That there is hereby created and established in and for Dickson County, Tennessee, a Court which shall be designated, "Court of General Sessions of Dickson County, Tennessee," which said Court shall possess the powers and jurisdiction as hereinafter provided. Dickson County shall provide a courtroom at Charlotte of said County, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general county funds of said County. Said courtroom may be the Circuit Court room when not in use by the Circuit or Chancery Courts, or other appropriate room in same County-owned building. The regular place for holding said Court shall be at the Courtroom provided for said Court at Charlotte, but said Court may be held, in the discretion of the Judge thereof, at any other place or places in Dickson County, Tennessee, at such times and places as the Judge may designate. Provided, however, that if the Judge elects to hold Court at any place other than the Courtroom at Charlotte, Tennessee, then he may rent such appropriate building or office or room for said purpose. The Quarterly County Court shall determine and appropriate the amount of rent for Court Room space outside the Court House. That the rent above mentioned shall be paid out of the General Fund of the County.

As amended by:

Private Acts of 1974, Chapter 257

SECTION 2. That said Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace for Dickson County are hereby divested of all such jurisdiction and authority, except as herein stated, and, any Justice of the Peace of said County elected for any district may issue criminal and search warrants against, and accept appearance bonds from any person charges with an offense, and may issue original civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions, and the fees allowed by law for such services by Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions, and the fees allowed by law for such services by Justices of the Peace shall inure to, and be paid by parties liable therefor as a part of the costs in the case and paid to said Justices upon final settlement of said cases. 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.

SECTION 3. That in criminal cases instituted by warrant before Justices of the Peace, the said Justice in cases where the offense charged is that of a "small offense" may accept a cash appearance bond from the defendant conditioned for his appearance before the Judge of the Court of General Sessions; the amount of said cash bond for such "small offense" charged shall be fixed by the Justice at no less than Ten Dollars nor more than Fifty Dollars; and this bond and cash together with the warrant shall be filed with the Judge of said Court, and in the event the said defendant, so bonded, fails to appear before the said Judge as bound to do under said bond, then said Judge is hereby authorized to declare and treat said cash bond as forfeited and the said Judge shall account for said money, so forfeited, in the same manner he would have done, had the defendant been fined for the small offense charged, provided, a defendant so charged with public drunkenness shall not be released while drunk even if he does, or is willing to, execute such cash appearance bond.

SECTION 4. That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a costs bond, with good security, in the sum of Twenty-five Dollars (\$25.00), or by making a cash costs deposit of not less than Five Dollars (\$5.00) or more than Twenty-five Dollars (\$25.00), or shall take the oath prescribed for poor persons, and on motion or in the sound discretion of the Judge, the amount of said bond or deposit may be increased.

SECTION 5. That the rules and pleading and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be in substance the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Dickson 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 offense enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment of a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury, but such final judgment of such Court may be appealed to the Circuit Court of Dickson County where such appeal shall be treated as a "bound-over" case and go before the Grand Jury for investigation in the usual and ordinary manner.

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 indictment or presentment of a Grand Jury, the right to

waive such statement, and the right to a trial by a jury. Upon 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 Court may proceed to hear and determine such case as is provided hereinabove. Said waiver as hereinabove provided shall be written on or attached to the warrant and shall be substantially in words and figures as follows:

The defendant, _____ pleads _____ guilty to the offense of _____ and waives his right to be tried only upon or by indictment or presentment of a Grand Jury, and likewise waives trial by a Jury of his peers.

Defendant

SECTION 6. 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, State Highway Patrolmen and other officers for the execution of writs and process of said Court, and the attendance and mileage of Witnesses shall e 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 Judge acting as Clerk and by him accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, Game Wardens, State Highway Patrolmen and other officers, for services to and in said Court shall be handled, accounted for and disbursed as required by law.

SECTION 7. That separate dockets 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, State Highway Patrolmen, and other officers for their services, fees of witnesses for attendance, et cetera, and credits for payment upon judgments and upon 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. Be it further enacted that there shall be one Judge for said General Sessions Court of Dickson County, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts; which Judge of said Court as a condition precedent to his election, qualification and acting as such need not, as a matter of necessity or requirement that he be a licensed Attorney.

As amended by: Private Acts of 1974, Chapter 257

SECTION 9. The salary of the Judge of said Court shall be set and fixed by the Quarterly County Court of said County as its regular Quarterly Session next preceding the beginning of the term for which the said Judge shall be elected or appointed for a new term, at some amount not less than the amount of compensation allowed the County Court Clerk of said County. It shall be paid out of the general funds of the County, and shall not be increased or diminished during the time for which said Judge is appointed or elected. The Judge of said Court may, if otherwise qualified so to do, practice law in all the Courts except in this Court and in and other Court in any case originating or growing out of this Court of General Sessions, or engage in other business activities insofar as it does not interfere with giving due attendance to the duties of the office of Judge of said Court.

As amended by: Private Acts of 1965, Chapter 269
Private Acts of 1969, Chapter 89
Private Acts of 1974, Chapter 257

SECTION 10. That the Governor of the State of Tennessee shall appoint a qualified resident of Dickson County to be the first Judge of said Court of General Sessions for Dickson County, Tennessee. This appointment shall be made by the Governor in ample time for said Judge to assume his duties by July 1, 1957. The first Judge, so appointed, shall serve until September, 1958, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of said County at the General Election at which other County Officials are elected on the First Thursday in August, 1966, and he shall hold said office from the First day of September, 1966, for a full term of Eight (8) years, or until his successor is elected and qualified. Successive judges of the Court shall be elected for a term of Eight (8) years and until his successor is elected and qualified. And in the case of vacancy occurring in said judgeship by death, resignation or otherwise, the Governor shall appoint a successor who shall serve until the next regular county election at which time a judge shall be elected to serve for the remainder of the unexpired term resulting from such vacancy, or until his successor is elected and qualified.

As amended by: Private Acts of 1965, Chapter 269

SECTION 11. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, a majority of the practicing attorneys of said County preside shall elect one of their number, who has the qualifications of such a Judge, and when elected he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such Judge for the occasion.

SECTION 12. That the Judge of said Court is hereby vested with and shall have interchangeable and current jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and in other such actions in which fiats are necessary.

SECTION 13. The Judge of the General Sessions Court of Dickson County, shall name and appoint a Clerk of said Court, who shall serve during the will and pleasure of said Judge and be under the direction and supervision of said Judge, and the duties of such Clerk shall be to perform all the necessary, proper and lawful clerical duties of said court, including but not limited to, issuance of process, civil and criminal warrants, search warrants, attachments, and other processes of said court, keep the dockets and make entries thereon and therein, of all judgments and bills of cost, collect all costs, fines, judgments that are paid into said court and pay out and disburse same according to law, and to report and pay over to the proper authorities all the monies received by virtue of the office of the Clerk of the said court.

The compensation of such Clerk shall be fixed by the Quarterly County Court of said County annually, at the first session of each fiscal year.

(Note: This paragraph was by Private Acts of 1974, Chapter 257, to be "stricken from Section 3." Apparently it was meant to be included in Section 13. It is included here in this compilation, but the law itself instructs an impossibility since neither this paragraph nor the subject matter is in Section 3.)

The said Clerk, before entering upon the duties of such office shall give a surety or indemnity company bond in the penal sum of Five Thousand Dollars (\$5,000.00) conditioned that he shall account for and pay over to the proper person the funds or all monies coming into his hands as such Clerk and by virtue of the said position.

As amended by: Private Acts of 1965, Chapter 269

SECTION 14. That the Sheriff of said County, or and Deputy Sheriff or constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts. Provided, however, that no Sheriff, Deputy Sheriff or Constable shall be entitled to any fees for opening and closing said Court, or for waiting upon said Court as Court Officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said Court without any further compensation for such services.

SECTION 15. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases, and he shall have the same authority to preserve order in said Court and to punish for contempt of Court as is now given by law to Circuit Judges.

SECTION 16. 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 deposited of or pending when this Act becomes effective.

SECTION 17. That all the official dockets, records and papers in cases which are undisposed of or pending in the offices of Justice 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 which have been completed shall be turned over to said County, as provided by law.

SECTION 18. That said Court of General Sessions for Dickson County, Tennessee, shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do but for this Act.

SECTION 19. That the General Assembly expressly declares that each section, subsection, paragraph and provisions of the 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 declared that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 20. That this Act shall take effect July 1, 1957, and not until then, except that after the passage of this Act prior to July 1, 1957, said County shall make provision for a Court Room and otherwise as provided in Section 1 hereof, but such Judge (and acting Clerk) of said Court of General Sessions shall

not take the oath of office or be entitled to any salary under this Act until July 1, 1957, the public welfare requiring it.

SECTION 21. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, it shall be the duty of the county board of election commissioners of the county (to which this Act applied) to call an election (for the county) to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections shall apply to an election held hereunder.

Passed: March 13, 1957.

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