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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 1941 Chapter 509

SECTION 1. That there is hereby created and established a Court in and for Lewis County, Tennessee, which shall be designated Court of General Sessions of Lewis County, Tennessee. Said County shall provide a court room at Hohenwald, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for the same out of the ordinary funds of said County.

SECTION 2. That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature 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 any Justice of the Peace elected for any district may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable in his district, such warrants and process to be returnable to and triable by said Court of General Sessions. 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 is in nowise [sic] affected by this Act.

SECTION 3. That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 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 Warden 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 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 6. 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 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.

SECTION 7. That the General Sessions Court of Lewis County shall be presided over by a judge to be known as the General Sessions Judge, whose compensation shall be \$5,000 per annum, payable in equal monthly installments from the County Treasury. At the July term 1953 of the Quarterly County Court of such County, that body shall elect a General Sessions Judge, who shall hold office until September 1, 1958, and at the August election, 1958, the voters shall elect a General Sessions Judge for the constitutional term of eight years. Effective September 1, 1990, the Clerk of the circuit court of Lewis County shall be Clerk of the General Sessions Court of such county. He shall pay into the County Treasury monthly all fees, commissions and emoluments of said county. Effective September 1, 1992, the duties of the County Clerk acting as the Juvenile Court Clerk shall be transferred to the Clerk of the Circuit Court of Lewis County.

As amended by:

Private Acts of 1949, Chapter 376
Private Acts of 1953, Chapter 550
Private Acts of 1969, Chapter 168
Private Acts of 1990, Chapter 164
Private Acts of 1992, Chapter 249

SECTION 8. 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 have the same authority as the County Judge to hold the Court for the occasion.

The Clerk of said Court as hereinbefore designated 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.

SECTION 9. 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 provided by law in the other inferior Courts.

SECTION 10. 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 to be disposed of or pending when this Act becomes effective.

SECTION 11. 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 which have been completed shall be turned over to said county, as provided by law.

SECTION 12. 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 13. That in addition to the jurisdiction hereinbefore vested in said Court, the Court of General Sessions for Lewis 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 a Grand Jury investigation, and a jury trial. The final judgment of such Court may be appealed to the Criminal Court of Lewis County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

SECTION 14. 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 Court may proceed to hear and determine said case as is provided in Section 13 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

SECTION 15. That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is several 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 16. That all bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Criminal Court.

SECTION 17. That this Act shall take effect September 1, 1942, the public welfare requiring it.

Passed: February 13, 1941.

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