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# Chapter V - Court System

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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<b>Chapter V - Court System .....</b>	<b>. 3</b>
<b>  Clerk and Master .....</b>	<b>. 3</b>
<b>    Private Acts of 1949 Chapter 152 .....</b>	<b>. 3</b>
<b>  General Sessions Court .....</b>	<b>. 3</b>
<b>    Private Acts of 1947 Chapter 41 .....</b>	<b>. 3</b>
<b>    Private Acts of 1953 Chapter 224 .....</b>	<b>. 6</b>
<b>  Court System - Historical Notes .....</b>	<b>. 7</b>

# Chapter V - Court System

## Clerk and Master

### Private Acts of 1949 Chapter 152

**SECTION 1.** That the Clerk and Master for each county within the State of Tennessee having a population of not less than 23,100 and not more than 23,175, according to the Federal Census of 1940 and any subsequent Federal Census, be and he is hereby authorized and empowered to employ a clerk or stenographer to assist him in the duties of his office at a salary of One Hundred (\$100.00) Dollars per month, payable to said clerk or stenographer on the first day of each month hereafter out of the general funds of the County in which he is Clerk and Master, such payments to be made by warrants drawn by the County Judge or Chairman out of the County Treasury.

As amended by: Private Acts of 1951, Chapter 414

**SEC. 2.** That all laws and amendatory laws thereto in conflict with this Act be and the same are hereby repealed.

**SEC. 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1949.

## General Sessions Court

### Private Acts of 1947 Chapter 41

**SECTION 1.** That there is hereby created and established a Court in and for Bedford County, Tennessee, which shall be designated Court of General Sessions of Bedford County, Tennessee. Said County shall provide a court room in the Town of Shelbyville, Tennessee, dockets, furnishings 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 Bedford 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 Bedford County that he deems to be more convenient and accessible to the litigants and witnesses.

**SECTION 2.** That the Court of General Sessions of Bedford 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 any Justice 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 the district for which such Justice of the Peace was elected except in the Civil District containing the County Seat, in which District all such process shall be issued from the Court of General Sessions. But all process issued by Justices of the Peace shall be returnable to the Court of General Sessions of Bedford County, Tennessee.

The authority of said Justices of the Peace of Bedford 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.

As amended by: Private Acts of 1947, Chapter 232

**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 \$5.00, 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 shall also be in session each Saturday from 7:00 o'clock P.M. until 9:00 P.M., for the examination and hearing of persons charged with a criminal offense, the taking and fixing of bail for the appearance of the accused or ordering their discharge or commitment to jail as required by law; 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.

**SECTION 5.** 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 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 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 7.** That the Court herein created is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant wherein the person charged with such misdemeanor offense enters a plea of guilty or requests trial upon the merits and expressly waives in writing indictment, presentment, grand jury investigation and jury trial. In such cases the trial shall proceed before the Court without the intervention of a jury and the Court shall enter such judgment and, as an incident thereto, may inflict such punishment within the limits provided by law for the particular offense as he may deem proper under the particular circumstances of such case; but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of Fifty (\$50.00) Dollars upon any citizen of this State. Provided further, that the Court herein created shall have no jurisdiction to try on a plea of not guilty any defendant charged with a misdemeanor for which the maximum punishment prescribed is a fine in excess of Fifty (\$50.00) Dollars, or imprisonment, or both fine and imprisonment.

Any defendant aggrieved by any judgment rendered under the provisions of this Section may, immediately upon the rendition of such judgment, appeal to the next term of the Circuit Court of Bedford County. A defendant appealing shall execute bond in the amount of Two Hundred Fifty (\$250.00) Dollars, with sureties to be approved by the General Session Judge, conditioned on his appearance at the next term of the Circuit Court of Bedford County and from day to day until his case is finally disposed of; or, upon the failure to execute such bond, a defendant appealing shall be imprisoned to await the action of the Circuit Court. On appeal the case shall be tried before a jury on the original warrant indictment or presentment, but nothing herein shall be construed as to deprive a defendant of the right to waive jury trial on appeal.

Juvenile Court jurisdiction under Tennessee Code Annotated, Title 37, for all delinquency and unruly child cases which may result in the confinement of a juvenile or other deprivation of the juvenile's liberty, is hereby vested in the court of General Sessions of Bedford County. Such judge 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 in accordance with the provisions of Tennessee Code Annotated, Title 37. If a vacancy occurs in the office of County Judge, or by September 1, 1982, whichever is earlier, the Court of General Sessions of Bedford County shall be vested with jurisdiction to try and to render final judgement in all cases in which Juvenile Courts have exclusive original jurisdiction pursuant to Tennessee Code Annotated, Title 37, Chapter 2.

As amended by: Private Acts of 1951, Chapter 310  
Private Acts of 1980, Chapter 241

**SECTION 8.** 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 7 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 a trial by a jury of his or her peers.

(Signed) \_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk"

**SECTION 9.** 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 10 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.

**SECTION 10.** 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 11.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with original offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk for the Circuit Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 12.** That there shall be one Judge for said Court, who shall be a duly and legally licensed lawyer in the State of Tennessee, with not less than three years experience in the general practice of law, and two years practice in Bedford County, Tennessee, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

**SECTION 13. A.** Beginning September 1, 1974, the compensation of the Judge of the General Sessions Court of Bedford County shall be sixteen thousand dollars (\$16,000.00) per annum, payable in equal monthly installments out of the general funds of the county.

**B.** The Judge of the General Sessions Court of Bedford County shall devote all of his working time to the duties of his office and shall not engage in the practice of law in any capacity other than as general sessions court judge. 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 1949, Chapter 151  
Private Acts of 1957, Chapter 250  
Private Acts of 1974, Chapter 287  
Private Acts of 1980, Chapter 241

**SECTION 14.** That in order to carry out the purpose and intent of this Act, and to establish the machinery for the operation of this Court of General Sessions, the Honorable J. D. Murphree, a member of the Bar Association of Shelbyville, Tennessee, and a citizen of Bedford County, Tennessee, is hereby appointed the first General Sessions Judge of said County, and he shall take office on March 1, 1947, and shall hold said office until the first election of a General Sessions Judge, as hereinafter provided.

The person named in this bill shall serve until September 1, 1948. At the regular August election, 1948, a Judge shall be elected for said Court by the qualified voters of said County to take office September 1, 1948, who shall serve until September 1, 1950. At the August election, 1950, there shall be elected by the voters of said County a Judge who shall hold office for a term of four years from September 1, 1950, and subsequent terms shall be for four years.

The Legislature declares that if the Court hereby created shall be held to be an inferior Court within the contemplation of Article VI, Section 4, of the Constitution and the Judge thereof entitled to a term of eight years, it would have enacted this statute with the term of the Judge fixed at eight years.

**SECTION 15.** 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 the duties of such Judge for the occasion. In the event of a temporary disability on the part of said Judge, he is hereby authorized to appoint a member of the Bar with the qualifications as herein stated, who shall hold Court in his stead during the period of his disability.

As amended by: Private Acts of 1951, Chapter 310

**SECTION 16.** That in a case of vacancy for any cause, the Governor of the State of Tennessee 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 elected and qualified.

**SECTION 17.** That the Clerk of the Circuit 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 the Court of General Sessions of Bedford 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 his compensation the sum of \$1,500.00 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 Bedford 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 1949, Chapter 151

**SECTION 18.** 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 Justice of the Peace Courts.

**SECTION 19.** 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 20.** 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 in said County in cases that have been completed shall be turned over to said County, as provided by law.

**SECTION 21.** That said Court shall have the authority to hear and determine all undisposed of cases in the Courts of the Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

**SECTION 22.** That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Bedford 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 Bedford County, Tennessee.

**SECTION 23.** That the General Assembly of the State of Tennessee 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, 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 24.** That this Act shall take effect on March 1, 1947, after its passage, the public welfare requiring it.

Passed: January 22, 1947.

## Private Acts of 1953 Chapter 224

**SECTION 1.** That the Judge of the Court of General Sessions of Bedford County, Tennessee is hereby authorized and empowered to grant injunctions, attachments, writs of ne exeat and other extraordinary process.

**SECTION 2.** That an additional compensation of \$1,200.00 per annum, payable monthly, be paid the Judge of the Court of General Sessions of Bedford County, Tennessee, from the general county revenues.

**SECTION 3.** That the General Assembly of the State of Tennessee 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, and the General Assembly of the State of Tennessee declares that it would have been enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 26, 1953.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Bedford County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 128, authorized the quarterly county courts to lay a tax on all taxable property in the county for additional compensation to those serving as jurors in the county and circuit courts of the 24 counties named, including Bedford County. A majority of the justices was required when the vote to lay the tax was taken.
2. Private Acts of 1819, Chapter 62, provided that after January 1, 1820, it was lawful for the county courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury county to appoint 37 jurors for each county who will attend the several courts to which they may be summoned under pain of penalty, and they will be entitled to compensation as the law directs.
3. Acts of 1907, Chapter 355, created a board of jury commissioners in Bedford County, using the 1900 Federal Census figures, which would be composed of three members, who were of good character, freeholders, not attorneys and who had no suit pending in court, appointed by the judge, or judges, of the county. Any member who is absent from meetings must produce a doctor's certificate. They would have to take an oath of secrecy and choose a chairman from their number. The clerk of the circuit court would serve as the clerk, also under oath of secrecy. The board would select from public sources a list of names equal to one-fifth of the total number of votes cast in the last presidential election but no less than 250 names nor more than 4000 in number which the clerk would enter in a special book and report to the judges. The names would also be placed on scrolls of paper, placed in a suitable box, locked and sealed. From ten to fifteen days before court the board would open the box and a child under ten years of age would draw out the number of names equal to the number of jurors, or as ordered by the court, in the presence of the board. These names would be kept by the chairman and delivered to the judge in open court. Grand and petit jurors would be drawn from these names. Provisions were also made for special juries and special jury panels were to be drawn. The sheriff would summon the jurors, none of whom could be excused except by the judge and only for the causes stated in the law. See *Darvell v. State*, 123 Tenn. 666, 134 S.W. 308 (1911).
4. Private Acts of 1943, Chapter 77, stated that the compensation of jurors in Bedford County, would be \$3.00 per day for each day's attendance.
5. Private Acts of 1945, Chapter 195, provided that the foreman of the grand jury in Bedford County receive \$5.00 per day as compensation for his services for each day the grand jury is actually in session. The compensation was paid out of the county treasury.
6. Private Acts of 1945, Chapter 197, amended Acts of 1907, Chapter 355, above, by increasing the per diem of the members of the board of jury commissioners from \$2.00 to \$3.00 per day, repealing all laws which might be in conflict.
7. Private Acts of 1951, Chapter 318, expressly repealed Acts of 1907, Chapter 355, in its entirety.
8. Private Acts of 1951, Chapter 319, created another board of jury commissioners for Bedford County, adding a qualification that no more than two of the three members could be from the same political party, setting the term of office at two years beginning on January 1, 1951. The number of names to be chosen from public sources could not be less than 1000 nor more than 1500, all of which would be placed in a book and certified to the judge. The remainder of the law was substantially the same as the 1907 Act except that the circuit court clerk would deliver the list of jurors to be summoned at least five days before court started and the per diem payments for the members of the board would be \$4.00 per day.
9. Private Acts of 1953, Chapter 423, amended Private Acts of 1951, Chapter 319, above, by striking

out all of Section 15 which set the per diem for the board of jury commissioners and added a provision which would pay the board members \$10.00 a day for each day actually engaged in making up the jury list and \$6.00 per day for their attendance when drawing names from the jury box for the regular panels.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Bedford County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 37, which created Bedford County, also provided that the courts would be held at the improvements lately made by Mrs. Payne at the head of Mulberry Creek, until further arrangements are made.
2. Public Acts of 1822 (2nd Sess.), Chapter 13, stated that the judges of the supreme court would make the arrangements necessary to hold an equity court once a year at least in the places specified in the act. A court would be held at Sparta on the second Monday in December and at Columbia on the second Monday in January. The equity cases in Bedford could have been assigned to either place but the act does not specify the counties for each location's court.
3. Public Acts of 1824 (2nd Sess.), Chapter 14, provided that there would be two more justices of the supreme court and chancery court would be held by these justices at least twice a year henceforth at those places named in the law. The court at Columbia would hear the causes from Maury, Bedford, Lincoln, Giles, Lawrence, Wayne, and Hardin counties on the first Monday in March and September.
4. Public Acts of 1827, Chapter 79, Section 3, divided Tennessee into two chancery divisions. The Eastern Division was composed of the courts held at Rogersville, Greenville, Kingston, Carthage, and McMinnville and the Western was made up of the courts held at Franklin, Columbia (to which Bedford County was assigned), Charlotte, Jackson, and Paris.
5. Public Acts of 1835-36, Chapter 4, required that the state be laid off into three chancery divisions and a chancellor would be appointed for each division. Bedford County was designated as the sixth district of the Middle Division and court would be held at Shelbyville on the second Monday of February and August.
6. Acts of 1839-40, Chapter 21, established the dates to begin the chancery court in the fourth division at Shelbyville on the fourth Monday in June and December.
7. Acts of 1839-40, Chapter 33, divided Tennessee into four chancery divisions, the fourth division being made up of the courts at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville.
8. Acts of 1843-44, Chapter 161, changed the chancery court terms in the fourth division. The courts at Shelbyville would begin on the fourth Monday in February and August, and all process would be made to conform to those dates.
9. Acts of 1851-52, Chapter 87, provided that the chancery court at Shelbyville would hereafter be held on the Thursday after the fourth Monday in February and August and remain in session until all the cases were heard.
10. Acts of 1853-54, Chapter 38, Section 2, set the terms of the chancery court for several counties. The chancery court at Shelbyville for Bedford County will commence on the second Monday in March.
11. Acts of 1853-54, Chapter 55, Section 8, stated that the chancery court at Shelbyville for Bedford County would hereafter be held on the Friday after the fourth Monday in February and August, apparently correcting the deficiency of the above act.
12. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, fourth, fifth, and sixth chancery divisions, probably necessitated by the creation of several new counties. Bedford County was assigned to the fourth division along with Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford counties. The time of holding the chancery court at Shelbyville was set to the first Monday of February and August.
13. Private Acts of 1857-58, Chapter 93, scheduled the chancery court of Bedford County to begin at Shelbyville on the fourth Monday in February and August.
14. Public Acts of 1867-68, Chapter 36, provided that the chancery court of Bedford County would



begin its terms on the third Monday in March and September.

15. Public Acts of 1870, Chapter 32, reorganized the lower judicial structure in Tennessee into twelve chancery districts of which the fourth was made up of the counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy.
16. Public Acts of 1870, Chapter 47, set the schedules for the chancery court terms for every county in Tennessee. Bedford County would start the chancery court at Shelbyville on the first Monday in March and September.
17. Acts of 1885 (Ex. Sess.), Chapter 20, separated Tennessee into eleven chancery divisions. The fourth was made up of the counties of Warren, Cannon, Rutherford, Franklin, Lincoln, Moore, Marshall, and Bedford whose court terms would begin on the first Monday in March and September. This act was the subject of litigation in the *Flynn v. State*, 203 Tenn 341, 313 S.W.2d 249 (1958), although only the criminal court in Shelby County was involved in the case.
18. Public Acts of 1899, Chapter 427, reorganized the entire lower judicial structure of Tennessee into ten chancery divisions. The fifth chancery division was composed of the counties of Rutherford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, Wayne and Bedford whose terms would begin on the third Monday in February and August.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, again divided the state into fourteen chancery divisions of which the fifth division contained the counties of Rutherford, Marshall, Bedford, Moore, Lincoln, Giles, Maury, and Lawrence. Chancery court terms would begin in Shelbyville on the third Monday in February and August.

### **Clerk and Master**

Referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 150, fixed the salary of the clerk and master of Bedford County at \$1,200 per year, provided that sworn itemized statement is filed with the county judge, or chairman, on January 1 of each year, showing all the fees collected in that office. If the fees are less than the salary, the county will pay the difference to the clerk and master; if the fees are more than the salary, the clerk and master may retain them.
2. Private Acts of 1921, Chapter 519, stated that the clerk and master of the chancery court of Bedford County, using population figures of 1920 Federal Census, shall receive the sum of \$1,500 as an annual salary, provided that a sworn itemized statement showing all the fees collected in that office is filed with the county judge, or chairman, in January. If the fees collected are less than the annual salary, the county shall pay the difference out of the regular funds. If the fees exceed the salary, the clerk and master may retain them.
3. Private Acts of 1927, Chapter 352, provided that the salary of the clerk and master of Bedford County would be \$2,100 annually, payable quarterly. The requirement for filing the sworn statement remained and the provision for the county paying the difference, if any, and the clerk and master keeping the excess, if any, were incorporated.

### **Circuit Court**

The following acts were once applicable to the circuit court of Bedford County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809 (1st Sess.), Chapter 49, divided the state into five judicial circuits of which the fourth was composed of the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. Court would be held twice annually in each county exercising such jurisdiction as was expressly conferred upon them in this law. Court would begin at the courthouse in Bedford County on the fourth Monday in April and October. The five circuit judges would be elected by ballot in both houses of the general assembly and be commissioned by the governor. They would be paid \$1,000 a year salary, and each would appoint a clerk for the business of the court in each county.
2. Acts of 1812 (Ex. Sess.), Chapter 68, changed the times for holding the circuit courts in several of the counties. Bedford County would start the circuit court on the third Monday in March and September.
3. Acts of 1817, Chapter 65, created a new sixth judicial circuit consisting of Lincoln, Giles, Maury, Bedford, and Lawrence counties, the judge for which would be elected by the general assembly.
4. Acts of 1817, Chapter 118, repealed specifically Acts of 1817, Chapter 65, above, in its entirety returning those counties to the circuits from which they were taken to form the new sixth circuit.

5. Acts of 1817, Chapter 138, established new starting dates for the circuit courts in the third, fourth, fifth, and sixth judicial circuits. Bedford would begin the circuit court terms on the first Monday in June and December.
6. Public Acts of 1821, Chapter 52, made it the duty of the clerks to transfer to the appellate court at Nashville all causes which may be pending on appeal from the counties composing the sixth judicial circuit which would include Bedford. If they had not been carried up the causes shall in the future be taken to Columbia on appeal.
7. Public Acts of 1822, Second Session, Chapter 14, stated that the court of errors and appeals shall finish the term of that court for the fourth judicial circuit at Nashville and then hold the court for all the counties in the sixth judicial circuit at Columbia.
8. Public Acts of 1829-30, Chapter 52, Section 4, created a new eleventh judicial circuit composed of the counties of Warren, Franklin, Bedford, Rutherford, and Wilson.
9. Public Acts of 1833, Chapter 33, provided that the next term of the circuit court in Bedford County which was scheduled to begin on the first Monday in December is hereby postponed until the fourth Monday in December and will remain open until all the court's business is finished.
10. Public Acts of 1835-36, Chapter 5, divided Tennessee into eleven judicial circuits. The fifth circuit was made up of the counties of Wilson, Rutherford, Coffee, Franklin, and Bedford whose court terms would start on the first Monday of April, August, and December, the court being required to have three terms annually now.
11. Acts of 1839-40, Chapter 21, Section 2, established the terms of circuit court in those counties comprising the fifth judicial circuit. Bedford County would continue to open the circuit court terms on the first Monday of April, August, and December.
12. Acts of 1847-48, Chapter 125, Section 5, stated that the next term of the circuit court in Bedford County would start on the fourth Monday in March, and all process would be issued in conformity with that date.
13. Public Acts of 1857-58, Chapter 98, delineated Tennessee into sixteen judicial circuits of which the seventh circuit was made up of Wilson, Cannon, Rutherford, and Bedford counties. Bedford County would begin the terms on the first Monday in April, August, and December.
14. Public Acts of 1870, Chapter 31, reorganized Tennessee into fifteen regular and one special circuit. The seventh judicial circuit was made up of the counties of Rutherford, Cannon, Wilson, and Bedford.
15. Public Acts of 1870, Chapter 46, set the court terms for the circuit courts in all the counties of Tennessee. Bedford's court would continue to begin on the first Monday in April, August and December.
16. Public Acts of 1879, Chapter 66, changed the court dates for the circuit court terms at Shelbyville to the first Tuesday in April, August, and December with the directive that all process would be made to conform to those dates.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the state into fourteen regular and one special judicial circuit. The eighth judicial circuit contained the counties of Wilson, Rutherford, Cannon, Marshall and Bedford whose court would start on the second Monday in March, July and November.
18. Public Acts of 1887, Chapter 213, changed the circuit court terms for Rutherford, Marshall, and Bedford counties. Bedford was scheduled to open the circuit court on the Tuesday after the first Monday in April, August, and December.
19. Public Acts of 1899, Chapter 427, reorganized the lower judicial structure of Tennessee into 14 judicial circuits. The eighth circuit was made up of the counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Court terms would begin in Shelbyville on the Tuesday after the first Monday in April, August, and December.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower court system in Tennessee, dividing the state into twenty judicial circuits. Rutherford, Marshall, Cannon, and Bedford counties composed the eighth judicial circuit. Court terms in Bedford remained on the Tuesday after the first Monday in April, August, and December.

### **Circuit Court Clerk**

The following acts have no current effect, but once applied to the Bedford County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1903, Chapter 255, established the salary for circuit clerk's only, which was patterned after other acts which established the salaries of various county officials according to their population classes. These salaries ranged from \$500 to \$5,000 per year. According to our information on population, the circuit court clerk of Bedford County would have received a salary of \$1,000 per year.
2. Private Acts of 1921, Chapter 512, provided that the circuit court clerk of Bedford County, using the 1920 Federal Census figures, would be paid an annual salary of \$1,200, but, a sworn, itemized statement showing all the fees collected in the office must be filed in January with the county judge or chairman. If the fees collected were less than the salary, the county would pay the difference to the clerk out of the regular county treasury but, if the fees exceeded the salary, the clerk was permitted to keep the excess.
3. Private Acts of 1927, Chapter 309, amended Private Acts of 1921, Chapter 512, above, by increasing the annual salary of the circuit court clerk from \$1,200 to \$1,500.
4. Private Acts of 1941, Chapter 471, allowed the circuit court clerk of Bedford County to employ a clerk, or stenographer, to assist him in the duties of his office at a salary of \$300 annually, payable out of the general funds of the county on a warrant by the county judge.
5. Private Acts of 1945, Chapter 216, amended Private Acts of 1941, Chapter 471, in Section 1 by increasing the salary of the stenographer, or clerk, to the circuit court clerk from \$300 to \$600 a year.
6. Private Acts of 1947, Chapter 814, amended Private Acts of 1927, Chapter 309, Item 3, above by raising the salary of the circuit court clerk from \$1,500 to \$1,800 per year.

#### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Bedford County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, Section 3, assigned Franklin, Lincoln and Bedford counties to the eighth solicitorial district.
2. Public Acts of 1963, Chapter 265, created the office of assistant district attorney general for the twenty-third judicial circuit, who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
3. Public Acts of 1968, Chapter 527, created the office of an additional assistant district attorney general for the twenty-third judicial district, who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
4. Public Acts of 1976, Chapter 526, created the office of criminal investigator for the twentythird judicial circuit who would serve at the pleasure and direction of the attorney-general for the circuit and be paid as the others were paid under general law.
5. Public Acts of 1977, Chapter 401, repealed Public Acts of 1976, Chapter 526 and created one additional full-time position of assistant district attorney general for the district attorney general of the twenty-third judicial circuit.

#### **General Sessions Court**

The following act once affected the general sessions court of Bedford County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1974, Chapter 287, amended Private Acts of 1947, Chapter 41, by stating that on September 1, 1974 the salary of the judge of the general sessions court of Bedford County shall be \$16,000 per annum, payable in equal monthly installments out of the general funds of the county, and that the judge would devote all his working time to the office and shall not engage in the practice of law except as the general sessions court judge. Our information from the secretary of state's office is that this act was not acted on by the quarterly county court of Bedford County thus preventing it from becoming effective.

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