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General Sessions Court

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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General Sessions Court

Private Acts of 1941 Chapter 363

SECTION 1. That there is hereby established a Court in and for Bledsoe County, Tennessee, which shall be designated Court of General Sessions of Bledsoe County, Tennessee. Said County shall provide a court room at Pikeville, Tennessee, docket, furnishings and necessary supplies of said Court, and pay for same out of the general funds of said County.

SEC. 2. That the Court of General Sessions of Bledsoe County, Tennessee, is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace of Bledsoe County are hereby divested of all jurisdiction, power and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court and in the performance of the rights of matrimony is in no wise affected by this Act. And the Court of General Sessions for Bledsoe County, Tennessee, shall have jurisdiction concurrent with the Circuit and Chancery Courts of all proceedings for divorce as provided by Section 10325 and 10379 of the Official Code of Tennessee, for the year 1932, and,

That said Court is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases either at common law or by statute brought before said Courts by warrant or information wherein the person charged with such misdemeanor enters a plea of guilty or requests a trial upon the merits and expressly waives in writing indictment, presentment and a Grand Jury investigation and a trial by a jury. In such cases the trial shall proceed before the Judge of said Court of General Sessions without a jury. A final judgement shall be rendered by said Court from which final judgement may be appealed to the Circuit Court of Bledsoe County where such appeal shall be tried by a Judge of such Court without a jury and without an indictment or presentment, and,

That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before said 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 a statement and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial 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 provided in this section 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 a trial by jury of his peers.

As amended by: Private Acts of 1943, Chapter 129.

SEC. 3. That before any civil case shall be tried or judgement rendered in said Court the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00 or 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.

SEC. 4. That the Court of General Sessions of Bledsoe County, Tennessee, shall be a Court of Record, and that the laws regulating pleadings and practice, stay of judgment, writs and processes in Civil Cases in the Courts of Justice of the Peace shall apply to the Court of General Sessions for Bledsoe County, Tennessee, and all other cases to be tried and determined by said Court having the jurisdiction concurrent with the Circuit and Chancery Court, the pleadings and practice of such cases shall be the same as provided by law for such courts, and,

That said Court shall make all such other rules of practice as may be deemed expedient consistent with law, and which such rules as may be made by the Supreme Court and may revise as often as thought proper, the rules by it so made, and,

That said Court shall keep a separate docket and minutes for all cases to be tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Court and the minutes of said Court shall be read in open court and signed by the Judge as provided by law of Courts of Record.

As amended by: Private Acts of 1943, Chapter 129.

SEC. 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, and as those provided by law for the Circuit and Chancery Court in proceedings for divorce, and,

The Clerk of said Court shall receive as compensation for his services the sum of Five Hundred (\$500.00) Dollars, per annum, payable quarterly, out of the same funds and in the manner as provided for the payment of the salary of the Judge of said Court.

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 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, and fees, commissions, and emoluments of the sheriff, his deputies, constables, State highway patrolmen, game wardens, and other officers, for services in said Court accounted for and disbursed as required by law.

As amended by: Private Acts of 1943, Chapter 129.

SEC. 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 return on 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, etc., 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 Justices of the Peace. The criminal docket shall be kept in like manner.

SEC. 7. That there shall be one Judge for said Court of General Sessions 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 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 [sic] Circuit Judges and Chancellors.

As amended by: Private Acts of 1943, Chapter 129.

SEC. 8. That the compensation of said Judge shall be \$1,800.00 per annum, payable out of the ordinary funds of the County, and shall not be increased or diminished during the term for which he is elected. The Judge of said Court of General Sessions may at any time receive and [sic] receipt from the Clerk of said Court of General Sessions any amount due the said Judge on his salary. Said funds to be paid out of funds in the hands of said Clerk due Bledsoe County, Tennessee, and Clerk of said Court will take credit for same on his quarterly report made for revenue due the County.

SEC. 9. That R. B. Schoolfield shall be appointed the first Judge of said Court, who shall serve until the first day of September, 1942, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942, and shall hold said office from the first day of September, 1942, for a term of eight years or until his successor is qualified.

As amended by: Private Acts of 1943, Chapter 129.

SEC. 10. 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 a regular Judge to hold the Court for the occasion.

SEC. 11. 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.

SEC. 12. That the Clerk of the Circuit Court of said County of Bledsoe shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of Court of General Sessions of Bledsoe County." Before entering upon the duties of said office, he shall make bond as such Clerk in the sum of at least One Thousand (\$1,000.00) Dollars with security to take care of all costs and funds coming into his hands as such, and in case he fails or refuses to give such security, the Judge of said Court of General Sessions may appoint someone else to fill his place who will qualify as such.

The Clerk of said Court shall have concurrent authority with the Judge in the issuance of all process required to be issued for said Court. All cost and fees of officers and witnesses shall be paid to said Clerk of General Sessions, and he will receipt for same.

SEC. 13. That the sheriff and his deputies of said Court, or any constable hereof, shall serve legal process or papers issued from said Court of General Sessions with the same authority as from other Courts of Law of the State.

SEC. 14. 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, judgements, or

suit, whether said cause is disposed of or pending when this Act becomes effective.

SEC. 15. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the 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 Court of General Sessions. The Clerk of said Court of General Sessions, when he is qualified as such, shall make a quarterly report of all revenue collected by him due Bledsoe County, and in his report he may take credit for any sums paid by him to the Judge of said Court of General Sessions due on his salary, taking receipt for the same, and he shall have credit for the same.

SEC. 16. That said Court shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgements of the dockets of said Justices of the Peace, and to certify to said judgement.

SEC. 17. That the General Assembly expressly declare that each section, sub-section, paragraph and provision of this Act is several [sic], and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of the Act, and such unconstitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SEC. 18. That the Judge of said Court of General Sessions is hereby authorized and has power to grant flats authorizing the issuance of injunctions in all cases, Judges of other Courts and Chancellors can do in the State of Tennessee.

SEC. 19. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 11, 1941.

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