



July 22, 2024

Private Acts of 1947 Chapter 41

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 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.

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