



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

Private Acts of 1955 Chapter 17

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 1955 Chapter 17

SECTION 1. That there is hereby created and established in and for Bradley County, Tennessee, a Court which shall be designated "Court of General Sessions of Bradley County, Tennessee."

Court rooms and adequate facilities for said court shall be provided in the Courthouse at Cleveland, and it shall be the duty of the Judge of the County Court of said County or of any other authority responsible to make provision therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court. The expense of same shall be paid out of the General Funds of the County.

SECTION 2. That the Court of General Sessions of Bradley County, Tennessee, 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; provided, however, that nothing in this act shall be construed to divest the Justices of the Peace of their jurisdiction until the election and qualification of a Judge of said Court as hereinafter provided. The authority of the Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of the rites of matrimony, and to issue criminal and civil warrants returnable before the General Sessions Judge and to issue commitments to jail before trial in any criminal case, or grant bail to a person charged with a criminal offense for his or her appearance before the General Sessions Court is in no wise affected by this Act and for such services such Justices of the Peace shall receive the fees allowed by law.

SECTION 3(a). That the Judge of the Court of General Sessions of Bradley County, Tennessee, is hereby vested with the exclusive jurisdiction, power, and authority now vested in the Judge of the County Court of Bradley County, Tennessee, to hear and determine any matter or controversy involving Juveniles and the said County Judge is hereby divested of all such jurisdiction, power, and authority; provided, however, nothing in this Act shall be construed to divest the said County Judge of his jurisdiction and authority as financial agent of said County, as presiding member of the Quarterly County Court of said County, or of any other jurisdiction and authority conferred upon him by law.

(b) There is hereby conferred upon said Court the power and authority concurrent with the Circuit and Chancery Courts to hear and determine all cases of divorce which may be brought in Bradley County, Tennessee, with full power, authority, and jurisdiction to make and enforce by legal process, orders, and decrees, such judgments, decisions, and, orders as may be properly or lawfully made in the premises, including the determination of the care and custody of any child that may be involved, the allowance of alimony, support and maintenance of the wife or children and the enforcement of such orders by writs of ne exeat, attachment, habeas corpus, injunction and order of contempt, or by other provisions authorized by law, provided, that for the purpose of determining matters under the jurisdiction conferred by this sub-section, the rule days, practice, and writs of process shall be the same as in the Chancery Court; and further provided, that any appeal from the final decree of said Court in any matter determined under the jurisdiction conferred under this sub-section (b) shall be to the Court of Appeals at Knoxville, or the Supreme Court at Knoxville, in the same manner as appeals from the Chancery Court, and further provided, that in the event either party shall demand a trial by jury in the determination of any matter under the jurisdiction conferred by the sub-section (b) then the Clerk shall prepare a transcript of the record in such case, which shall be certified by the Judge of such Court, and filed in the Circuit Court of Bradley County for trial by jury as demanded.

(c) There is hereby conferred upon said court the power and authority concurrent with the Circuit and Chancery Courts to hear and determine all cases of partition or sale for partition of land situate, lying and being in Bradley County, provided, that for the purpose of determining matters under the jurisdiction conferred by this sub-section, the rule days, practice, and writs of process shall be the same as in the Chancery Court; and further provided, that any appeal from the final decree of said Court in any matter determined under the jurisdiction conferred under this sub-section (c) shall be to the Courts of Appeals at Knoxville, or the Supreme Court at Knoxville in the same manner as appeals from the Chancery Court.

(d) Appeals from the judgements of said Court in cases formerly cognizable by the County Court of Bradley County shall be as now provided by law for cases originating in the County Court. All other appeals, except as herein otherwise provided, shall be direct to the Circuit Court of Bradley County in the same manner as now provided for appeals from Courts of Justices of the Peace.

(e)

(1) In those matters in which the Court of General Sessions exercises concurrent jurisdiction with the Circuit and Chancery Courts, the Court of General Sessions is hereby vested with full

power and authority to transfer cases to the Circuit and Chancery Courts for acceptance by said court of such transfer.

(2) The Court of General Sessions is hereby vested with full power and authority to accept transfers of cases from the dockets of the Circuit and Chancery Courts in such cases as the Court of General Sessions has concurrent jurisdiction with the Circuit and Chancery Courts.

(3) The Court of General Sessions is hereby vested with the power and authority to participate with the Circuit and Chancery Courts in an establishment with a common docket to hear and determine all cases which may be brought in Bradley County, Tennessee and assigned to such docket for hearing by the judges of said courts and such matters as said courts exercise concurrent jurisdiction with full power, authority and jurisdiction to make and enforce by legal process orders and decrees, such judgments, decisions and orders as may be properly or lawfully made in the premises upon all such matters.

As amended by:

Private Acts of 2012, Chapter 51

SECTION 4. That there is hereby conferred upon the Judge of the Court of General Sessions the same power and authority to grant fiats for the issuance of injunctions, attachments, and all other extraordinary process as that conferred upon Circuit Judges and Chancellors in this State.

SECTION 5. That before the issuance of any warrant in a civil case the Plaintiff shall execute a cost bond with good security in the sum of Twenty-five Dollars (\$25.00) or in lieu thereof make a cash deposit with the Clerk of not less than Five Dollars (\$5.00) or more than Twenty-five Dollars (\$25.00), as required by the Court, to secure the costs, or take the oath prescribed for poor persons; and the Court may increase the security in appropriate cases, but not exceeding the amount of Two Hundred Fifty Dollars (\$250.00).

SECTION 6. That said court shall be in session at the Courthouse in Cleveland daily except Sundays and legal holidays, at such hours as may be designated by the Court, provided, however, the Judge shall have power and authority to hear and determine cases at any other place in Bradley County that he may determine to be more feasible and convenient for the parties.

All cases shall be set for an hour certain, and the practice heretofore prevailing of allowing an hour for the parties to appear in Courts of the Justice of the Peace shall not apply to the Court of General Sessions.

SECTION 7. That the costs and fees and the rules of pleading and practice, forms of writs and process, stay or appeals from judgments in civil cases of said Court now within the jurisdiction of Justices of the Peace shall be the same as Justices of the Peace in cases in which the jurisdiction of said Justices have been divested by this Act; and the costs and fees, rules of pleading and practice, forms of writs and process, and dockets and records in all matters in which the Judge of the County Court of said County has been divested of authority and jurisdiction shall be the same as required by law, except where specifically changed by this Act.

Pleadings, practice, forms of writs, process, etc., in cases in which the Court of General Sessions is given concurrent jurisdiction with the Circuit and Chancery Courts shall be the same as prevails in said Courts in all cases in which the jurisdiction exceeds that of Justices of the Peace, and the Court shall keep civil and equity dockets in all cases exceeding the present jurisdiction of Justices of the Peace.

The Judge of said court may adopt such rules as may be necessary to expedite the trial disposal of cases.

SECTION 8. That the criminal and civil dockets shall be kept in substantially the same form as those now required of Justices of the Peace, except as otherwise provided herein.

SECTION 9. That there shall be a Judge for said Court, who shall have the same qualifications, term of office, and oath as prescribed by law for Circuit Judges and Chancellors. The compensation of said Judge shall be ten thousand dollars (\$10,000.00) per annum payable in equal monthly installments, the same to be paid out of the General Funds of the County. He shall be subject to the same restrictions regarding the practice of law as are imposed upon Circuit Judge and Chancellors, and provided, further, that the said Judge during his incumbency shall not hold any other official office or position either with the State of Tennessee or any other governmental agency.

As amended by:

Private Acts of 1965, Chapter 142

SECTION 10. That the Honorable Earle G. Murphy of Cleveland, is hereby appointed and designated the first Judge of said Court; and he shall take office upon the effective date of this Act and serve until September 1, 1956, and until his successor is elected and qualified.

His successor shall be elected by the qualified voters of the County at he election for civil officers in August, 1956, and shall hold said office until the next regular judicial election as provided by law for Circuit Judges and Chancellors.

SECTION 11. That if the Judge of said Court fails to attend, cannot attend or preside in a pending cause, the majority of such attorneys present in such Court may elect one of their number who has qualifications of such a Judge, who, when elected shall have the same authority as a regular Judge to hold court for the occasion.

In the event of a vacancy resulting from the death or disability of such Judge, the Governor shall have the power to appoint some qualified person to fill the vacancy until the next regular general election held in Bradley County.

The regular Judge of said Court shall be allowed a vacation of not to exceed two (2) weeks in any calendar year.

SECTION 12. That the Clerk of the Circuit Court of Bradley County is hereby authorized and directed to act as Clerk of said Court and to perform the duties thereof in all civil and criminal cases; and he 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 fiat of a judicial officer. All bail bonds, recognizance bonds, and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court may be taken by the Clerk. He shall receive the same costs, fees, and emoluments as are now allowed by law for such services.

SECTION 13. That all fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, and accounted for and paid over as required by law.

SECTION 14. That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal process, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts, and shall receive the same fees therefor provided by law.

SECTION 15. That the Court of General Sessions of Bradley County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court 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 an indictment, presentment and a Grand Jury Investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court of Bradley County, or to the Circuit Court where provided by special statute, where such appeal shall be tried by a Judge of such Court de novo and without indictment or presentment.

SECTION 16. That it shall be the mandatory duty of the Judge of said Court when a defendant is brought before the Court upon arraignment or trial to advise the 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 of the right to waive such statement and the right to a trial by a jury.

Upon the defendants 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, the Court may proceed to hear and determine the case.

The 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 of the offense of and expressly waives his or her right to be tried only by or upon presentment or indictment preferred by a Grand Jury, and likewise expressly waives the right to a trial by a jury of his or her peers.

Signed

Attest: "

SECTION 17. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Bradley County, as if said cases had originated in said Court of General Sessions, and said Court shall have power and authority to issue executions and other final process on judgments rendered by Justices of the Peace.

SECTION 18. That this Act shall in no wise impair the right, title, or interest of any Justices of the Peace of Bradley County of any unpaid fees, or fund in which he had a right or interest in any proceedings, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

That the official dockets, records, and papers in possession of Justices of the Peace of said County shall be turned over to the Clerk of the Sessions Court of Bradley County on the date this Act becomes effective.

SECTION 19. That the Judge of the Sessions Court shall have authority to name a Deputy Sheriff or Constable of Bradley County to wait on his Court, and such Officer shall receive an

annual compensation of Six Thousand Dollars, (\$6,000), payable in equal monthly installments.

As amended by:
Private Acts of 1967, Chapter 429
Private Acts of 1971, Chapter 178
Private Acts of 1973, Chapter 63
Private Acts of 1976, Chapter 268

SECTION 20. That the Legislature 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 21. That all laws or parts of laws in conflict with the provisions of this Act be, and they are hereby repealed as of the date this Act becomes effective.

SECTION 22. That the Commissioners of Election of Bradley County, Tennessee, shall, within sixty (60) days from and after the passage of this Act, call a special election, the expenses of which will be paid from the General Funds of said County, for the purpose of submitting this Act to the qualified voters of said County for their approval. The ballot to be used in said election shall read as follows:

"For the General Sessions Court ()
Against the General Sessions Court ()"

The said Commissioners of Election of said County shall, within the time required by law after said election, meet, canvass the votes cast in said election, and certify the results of same to the proper officials and in the event this Act is approved by a majority of the voters voting in said election, then, and in that event, this Act shall become effective on the 1st day of the next month immediately following said election, the public welfare requiring it.

Passed: January 26, 1955.

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