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Private Acts of 1959 Chapter 274

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 1959 Chapter 274

SECTION 1. That there is hereby created and established a Court in and for Crockett County, Tennessee, which shall be designated as the Court of General Sessions. The County shall provide a court room for said Court in the county seat and all necessary supplies and equipment for the maintenance of the Court and shall defray the expenses thereof from the general fund of said County.

SECTION 2. That said Court of General Sessions is hereby vested with all of the jurisdiction and shall exercise the authority conferred by law upon justices of the peace in civil and criminal cases, suits and actions in Crockett County. The jurisdiction, power and authority of said Court shall be co-extensive with the County.

The Judge of said Court shall have the same authority as circuit court judges or chancellors to grant fiats for writs of injunction, attachments and other extraordinary process.

Justices of the peace are hereby divested of all judicial jurisdiction and authority in Crockett County.

The authority of justices of the peace in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

All juvenile jurisdiction is hereby divested from the County Court of Crockett County and vested in the General Sessions Court of Crockett County, Tennessee.

As amended by: Private Acts of 1981, Chapter 114

SECTION 3. That before the issuance of any original process in a civil case, the plaintiff shall execute a cost bond with security determined by the clerk to be good, in the sum of twenty-five (\$25.00) dollars, or in lieu thereof make a cash deposit with the clerk of not less than three (\$3.00) dollars nor more than twenty-five (\$25.00) dollars, to secure the costs, and, on motion, the Court may increase or decrease the security. The Court shall be authorized to establish a scale of deposits in the various forms of action; provided, however, that any resident of the State who is eligible to take and subscribe to the oath provided for poor persons may commence and prosecute an action on pauper's oath as provided by Section 20-1629 of Tennessee Code Annotated.

It shall be the duty of the clerk of said Court, not less than thirty (30) days after the judgments of the Court of General Sessions shall become final, to issue an execution against the party against whom the costs thereof have been adjudged. Likewise, in case of inability to collect the costs from such party against whom they have been adjudged, evidenced by the return of an execution nulla bona, it shall be the duty of the clerk, not later than thirty (30) days after the return of such execution, to undertake to collect from the successful party all cost accruing at the instance of such successful party.

SECTION 4. That, any party may appeal from an adverse decision of the General Sessions Court to the Circuit Court of the county within the time provided by law for appeals from justices of the peace courts. Any appeal shall be heard de novo in the Circuit Court. If no appeal is taken within the time provided, then execution may issue.

SECTION 5. That in addition to the jurisdiction conferred in Section 2 of this Act, the Court of General Sessions 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 enters a plea of guilty in writing or requests a trial upon the merits and expressly waives an indictment, presentment, grand jury investigation and jury trial, such waiver to be in writing as hereinafter provided. In such cases the trial shall proceed before the Courts 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 the Court may determine proper under the circumstances of such case, but nothing herein shall be construed to grant such Court the power to impose a fine in excess of fifty (\$50.00) dollars upon any citizen of this State and the Court shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than (\$50.00) dollars.

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 be represented by 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 rights to be put on trial only by presentment and 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. Said waiver shall be written and attached to the warrant substantially in words and figures as follows:

The defendant, _____ pleads guilty (not 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.

Signature

Attest: _____

Clerk or Judge

Any person aggrieved by the judgment of the Court of General Sessions in a criminal case rendered under the provisions of this section, may appeal such judgment to the next term of the Court having criminal jurisdiction in said county upon executing an appearance bond, and, likewise, executing bond for the amount of the fine and costs, or, in lieu thereof, taking the oath prescribed by law for paupers. Such appeal shall be tried in said Court without indictment and presentment, upon the original warrant issued against such person, by the judge without a jury, unless the defendant demands a jury.

SECTION 6. That the laws now regulating pleading and practice, form of writs and process, stay of judgments and appeals from judgments in civil cases in the courts of justices of the peace shall apply to and govern said Court, except where expressly provided to the contrary in this Act. All the statutes regulating the conduct of proceedings before justices of the peace in civil and criminal cases shall apply to proceedings in said Court. Provided, however, that all cases shall be set in said Court of General Sessions for a (sic) hour certain, and the provisions of Section 19-410 of Tennessee Code Annotated allowing the parties one hour in which to appear after the time fixed for trial shall not apply in said Court of General Sessions.

SECTION 7. That the Judge or judges of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. In all matters the costs and fees of said Court of General Sessions shall be the same as 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 courts of the 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 the 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, game wardens, State Highway Patrolmen and other officers for services to the Court and the fines and forfeitures adjudged by the Court, and all other funds coming into the hands of the clerk, shall be handled, accounted for and disbursed by the clerk in the manner provided by law for clerks of Circuit and Criminal Courts.

SECTION 8. 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 names of the attorneys for the parties, the date of issuance of the warrant process, the name of the officer to whom delivered, the return of the process, in brief form the action of the Court both interlocutory and final, orders, judgments, executions, garnishments, list of fees of the Court, of the sheriff, his deputies, constables, game wardens, State Highway Patrolmen and other officers for their services, fees of witnesses for attendance and credits for payments upon judgments and upon costs. All cases shall be indexed and the docket shall be substantially in the form of those of justices of the peace.

Also there shall be kept a criminal docket in which there shall be entered the disposition of all criminal cases disposed of by the Court of General Sessions, which docket shall show as to the misdemeanors now within the jurisdiction of justices of the peace under the Small Offense Law, the name of the defendant, the charge against him, and the disposition of the case. In cases over which justices of the peace do not now have jurisdiction under the general law, it shall be the duty of the clerk to keep a minute book and in such minute book he shall enter the action of the Court by appropriate minute entry setting forth the name of the defendant, his arraignment upon the charge against him, his plea, his waiver of right of trial by indictment, information or presentment, his waiver of a jury trial and his consent to be tried by the Court of General Sessions upon such charge. Likewise, there shall be entered therein a judgment of the Court of General Sessions upon the waiver of the defendant.

SECTION 9. That there shall be one judge for said Court with the same qualifications and terms of office as provided by the Constitution of the State of Tennessee for inferior Courts.

SECTION 10. That in all misdemeanor cases where bond is made for appearance before the Court of General Sessions, the judge is authorized and empowered to prescribe the amount of bail, either case or otherwise, within the same discretionary powers as are granted to judges of the Circuit and Criminal

Courts by Section 40-1304 of Tennessee Code Annotated. Upon default in appearance of the defendant the judge before whom such default occurs is authorized to grant relief, lessen or remit liability upon the recognizance in such cases as provided for other Courts in Section 40-1303 and 40-1304 of Tennessee Code Annotated; and, in the case of cash bonds, the judge may hear proof and order a fine and costs paid out of the cash bond. The unused surplus of cash bonds and other funds in excess of costs paid for exoneration of sureties shall be disbursed by the clerk as provided by law for forfeitures.

SECTION 11. That the compensation of the judge of said Court shall be \$3,600.00 per annum and shall be paid in equal monthly installments out of the general funds of the county and shall not be increased or diminished during the time for which said judge is elected.

The Judge shall receive additional compensation for the additional duties involving juvenile jurisdiction in the amount of fifty-five hundred dollars (\$5,500), per annum.

As amended by: Private Acts of 1981, Chapter 114

SECTION 12. That the judge of the General Sessions Court shall devote such time to the duties of said office as such duties may require, and, if a lawyer, shall be authorized to engage in private law practice during his tenure of office, but shall not practice law in the General Sessions Court and shall not represent any party in any proceedings in the Circuit, Criminal or Appellate Courts which originated in the General Sessions Court.

SECTION 13. That when this chapter becomes effective when approved as provided by law, Mr. Robert McLean, Esq., Attorney-at-Law, Alamo, Tennessee, is hereby appointed judge of the General Sessions Court of Crockett County, and he shall serve until September 1, 1960 following the next general August election, and a successor shall be elected by the qualified voters of the county at the general election on the first Thursday of August 1960, for a term of six (6) years from the first day of September 1960, and subsequently at the general August election of 1966 and thereafter each eight (8) years. He shall hold office for the term for which he is elected, or until his successor is elected and qualified. The oath of office shall be the same as that prescribed for Circuit judges and Chancellors and shall be taken and filed in the same manner and with the same officers as prescribed for Circuit judges and Chancellors.

SECTION 14. That if the judge of said Court fails to attend, cannot preside at any pending case or for any reason hold Court, a majority of the lawyers present in said Court may elect one of their number who has the qualifications of such a judge and when elected shall take the same oath and have the same authority as a regular judge to hold the Court for the occasion.

SECTION 15. That in the event of a vacancy for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until September 1, following the next regular August election at which election said vacancy for the remainder of the term shall be filled by the qualified voters of the county.

SECTION 16. That the clerk of Circuit Court of the county shall act as clerk of the Court of General Sessions, and when acting as clerk of said Court shall be designated as the clerk of the Court of General Sessions of said county. The clerk of the Circuit Court shall receive the compensation provided by law for Circuit Court Clerks, as fixed by Section 8-2403 of Tennessee Code Annotated. The fees, commissions and emoluments of said clerk of the Court of General Sessions shall constitute part of the fees, commissions and emoluments of the office of the clerk of the Circuit Court.

All fees, commissions and emoluments accruing under the provisions of this Act to the judge or clerk of the Court of General Sessions, after the payment of the compensation of the clerk, shall be paid over each month to the County Trustee of the county and deposited to the general fund of said county; and all fines collected shall be paid and accounted for as required by law. Payment shall be made to the Trustee not later than the 10th day of each month for the preceding month and the payment and accounting for fines shall be made as required by law.

It shall be the duty of the clerk to make and file with the County Court Clerk of said county for transmission to each regular quarterly session of the Quarterly County Court a complete detailed financial report of all receipts and disbursements of said Court of General Sessions for the previous quarter.

However the County Clerk shall continue to maintain the records and provide the other clerk services as required in matters of juvenile jurisdiction within the General Sessions Court.

As amended by: Private Acts of 1981, Chapter 114

SECTION 17. That the Clerk of said Court shall have concurrent authority with the judge to issue warrants and other process and writs, other than those which the law requires to be issued only by a judicial officer, and shall have the authority to set the amount of bond in the absence of the judge. It shall be the duty of the clerk of said Court to keep all dockets required by this Act, to write all minute entries required herein and to promptly make any and all entries necessitated by this Act.

SECTION 18. That the sheriff of the county, or any deputy sheriff or constable thereof, shall serve

regular process, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts. The sheriff shall designate a court officer to wait on the Court at all times said Court is in session.

SECTION 19. That this Act shall in no wise impair the right, title or interest of any justice of the peace to any unpaid fees or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause be disposed of or pending when this Act becomes effective.

SECTION 20. That all the official dockets, records and papers in cases that are undisposed of or pending in the office of any justice of the peace of any county when this Act is approved and made 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 21. That the Court of General Sessions shall have authority to hear and determine all cases which are undisposed of when this Act is approved and made effective, arising in the courts of justices of the peace of said county as if such cases had originated in said Court of General Sessions and to issue executions on and orders concerning any unpaid judgments on the dockets of said justices of the peace and certify as to any such judgments or records as a justice of the peace could do.

SECTION 22. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void the remainder of this Act shall continue in full force and effect it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 23. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Crockett County on or before its next regular meeting occurring more than five (5) days after the approval of this chapter by the Governor. The approval or disapproval of this chapter by the Quarterly County Court shall be proclaimed by its presiding officer who shall certify the result to the Secretary of State.

In the event the Courts finally hold that Article XI, Section 9 of the Constitution does not apply to this chapter or that this chapter need not be approved by the governing body of the county, this section shall be elided and the General Assembly declares that it would have enacted the chapter without this section.

SECTION 24. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: (Date not printed)

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