



July 22, 2024

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# General Sessions Court

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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.

Sincerely,

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# General Sessions Court

## Private Acts of 1955 Chapter 140

**SECTION 1.** That there is hereby created and established a Court in and for Robertson County, which shall be designated as the Court of General Sessions of Robertson County. Said County shall provide a courtroom at the County seat and all necessary supplies for the equipment and maintenance of said Court, and shall defray the expenses thereof from the general funds of said County.

**SECTION 2.** That said Court of General Sessions is hereby vested with all of the present and future jurisdiction and shall exercise the present and future 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 elected for any district except the district in which Springfield is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil process of any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony or to administer oaths is in no wise affected by this Act.

As amended by: Private Acts of 1971, Chapter 14

**SECTION 3.** That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a sufficient cost bond with good security or by making a cash cost deposit, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

It shall be the duty of the clerk of such Court hereinafter provided for, not later than thirty (30) days after judgments of the Court of General Sessions shall become final, to issue an execution against the party against whom the cost thereof shall have adjudged. Likewise, in case of the 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 costs accruing at the instance of such successful party.

**SECTION 4.** That the rules of pleading and practice, forms of writs and process and stay of appeals from the judgements in civil cases of said Court shall be the same as of Justice of the Peace.

**SECTION 5.** That in all matters and 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 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 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, the 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.

Also there shall be kept a criminal docket in which shall be entered the disposition of all criminal cases disposed of by the Court of General Sessions, which docket shall show as to 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, as provided by law. In cases in which Justices of the Peace do not now have jurisdiction under the general law, the Clerk shall be under the duty to procure 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 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 such criminal offense, cognizable by the Court of General Sessions on the waiver of the defendant under subsequent provisions of this Act.

**SECTION 7.** That there shall be one Judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

This judge of said Court, as a condition precedent to his election, shall be a licensed attorney, actively engaged in the practice of law, and no person shall be eligible for election to said office of Judge unless such person has been duly licensed to practice law in this State by the appropriating authorities. The Judge of the Court of General Sessions shall also possess power to issue fiats for extraordinary process returnable to the appropriate Court in which such suit is to be filed.

As amended by: Private Acts of 1965, Chapter 221

**SECTION 8.** That the compensation of said Judge shall be \$4,800.00 per annum payable in equal monthly installments from the general funds of said County, and such salary shall not be increased or decreased during the time for which said Judge is elected. Such Judge shall devote all his working time to the duties of his office and shall not be permitted to practice law in any Court of the State during his incumbency, or to practice law otherwise.

**SECTION 9.** That for the purpose of filling vacancies occasioned by the creation of such Judgeship, W. Earl Swann is hereby designated and appointed as such Judge, who shall serve until the August election of 1956, or until his successor shall be elected and qualified. At the August election, 1956, there shall be elected some person possessing the qualifications required who shall serve until September 1, 1958. At the August election, 1958, there shall be elected a Judge who shall possess qualifications, who shall hold office for a term of eight years from September 1, 1958, next following his election.

**SECTION 10.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, 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 he shall take the same oath and have the same authority as a regular Judge to hold the Court and perform the duties of such Judge for the occasion.

**SECTION 11.** That in the case of a vacancy in the office of such Judge for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 12.** 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 Robertson County". The fees, commissions and emoluments of said Court of General Sessions shall belong to the Clerk thereof except as to process issued by the Judge, who shall inure to the County, subject to the provision of the law known as the Anti-Fee Bill and all amendments thereto.

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.

It shall be the express 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 statute. In case of the failure or dereliction of the Clerk so to do, he shall be subject to ouster proceedings as now provided by general statute.

**SECTION 13.** 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.

**SECTION 14.** That said Court shall have authority to hear and determine all undisposed of cases arising in the present Court of General Sessions of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do but for this Act.

**SECTION 15.** That the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgments in all misdemeanor cases brought before said Court upon warrant wherein the person charge with such misdemeanor offense enters a plea of guilty or request trial upon the merits and expressly waives in writing an 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 peculiar 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 \$50.00 upon any citizen of this State; and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanor for which the minimum punishment is a fine of more than \$50.00.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Circuit Court of Robertson County upon executing an appearance bond and likewise executing bond for the amount of fines and costs, or in lieu thereof, taking the oath prescribed by law for paupers. Such appeal, when properly taken to the Circuit Court of Robertson County, shall be tried by the Judge of the Circuit Court without a jury and without indictment and presentment, and upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case.

**SECTION 16.** That the General Assembly expressly declares that each section, subsection, paragraph and provisions 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 declared that it would have enacted this act with such unconstitutional or invalid portions elided therefrom.

**SECTION 17.** That the Court of General Sessions in Robertson County, Tennessee, be and is vested with full power to punish for contempt of Court.

**SECTION 18.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court for Robertson County, on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 19.** That this Act shall take effect on July 1, 1955, after its passage and the approval of the Quarterly County Court of Robertson County, as aforesaid, the public welfare requiring it.

Passed: February 23, 1955.

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