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Private Acts of 1955 Chapter 170

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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Table of Contents

Private Acts of 1955 Chapter 170	3
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SECTION 1. That there is hereby created and established in and for Greene County, Tennessee, a Court, which shall be designated "Court of General Sessions of Greene County, Tennessee."

Court rooms and adequate facilities for said Court shall be provided in the Courthouse at Greeneville and it shall be the duty of the Chairman of the County Court of said County to make provisions therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court and the expenses of same shall be paid out of the General Fund of the County.

SECTION 2. That the Court of General Sessions of Greene 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, which jurisdiction and authority shall be co-extensive with Greene County, Tennessee. The authority of the Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony, to hear and determine cases for damages where the amount involved does not exceed Fifty (\$50.00) Dollars, and to issue criminal and civil warrants returnable before General Sessions Judge and to pass on bail bonds pending a hearing before the General Sessions Judge and issuing mittimus to jail for those persons to be held pending action before the General Sessions Court is in nowise affected by this Act.

SECTION 3. That jurisdiction and authority is hereby conferred upon the Judge of the Court of General Sessions for Greene County, Tennessee, to grant all extraordinary process in all proper cases presented to him in which application is made therefor in all cases originating in Greene County, and when so granted by him will be as effective as those granted by the Judges of the various Courts of the State.

SECTION 4. 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 Fifty (\$50.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Ten (\$10.00) Dollars or more than Fifty (\$50.00) Dollars to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

SECTION 5. That said Court shall be in session at the Courthouse in Greeneville daily, Monday through Friday, except legal holidays, from 9 a.m. to 4 o'clock p.m., provided, however, the Judge shall have power and authority to hear and determine cases at any other place in Greene County as he may determine to be more feasible and convenient for the parties.

SECTION 6. That the costs and fees and the rules of pleading and practice, forms of writs and process, stay of appeals from judgments in civil cases of said Court shall be the same as Justices of the Peace, except where specifically changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act.

SECTION 7. That the criminal and civil dockets shall be kept in substantially the form as those now required of Justices of the Peace.

SECTION 8. That there shall be a Judge for said Court with the same qualifications, term of office, and oath as prescribed by law for Circuit Judges and Chancellors. That the compensation of said Judge shall be Sixty-five Hundred (\$6,500.00) Dollars, per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

SECTION 9. That the first Judge shall be elected by the qualified voters of the County at the election of other County Officers in August, 1958 and shall take his office September 1, 1958, and shall hold said office for a term of eight (8) years as provided by law for Circuit Judges and Chancellors.

SECTION 10. That if the Judge of said Court fails to attend, cannot attend, or preside in a pending cause, the majority of the attorneys present in such Court may elect of their number one 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.

SECTION 11. That the Clerk of the Circuit Court of Greene County, Tennessee, 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 who 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 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 shall be taken by the Clerk or by a Justice of the Peace, and immediately, if taken by a Justice of the Peace turned over to the Clerk and filed in his office. All fees for issuing warrants which are collectible under the General Law shall go into the Circuit Court Clerk's Office to be applied on his salary and the expenses of running his office.

SECTION 12. 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 13. That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in the other inferior Courts.

SECTION 14. That the Court of General Sessions of Greene County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgments in all misdemeanors brought before said Court by warrant on information wherein the person charged with such misdemeanor offenses 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 Greene County, where such appeal shall be tried by a Judge of such Court without a jury and without indictment of presentment.

SECTION 15. That it shall be the mandatory duty of the Judge of said Court 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 a right to a trial by a 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 Court may proceed to hear and determine said case.

Said 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 offenses of _____ and expressly waives his or her right to be tried only by or upon presentments or indictment preferred by a Grand Jury, and likewise expressly waives the right to and trial by a jury of his or her peers.

Signed _____

Attest _____

Clerk

SECTION 16. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Greene 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 17. That this Act shall in no wise impair the right, title or interest of any Justices of the Peace of Greene County to any unpaid fees, or fund 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.

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

SECTION 18. That the Legislature expressly declares that each section, sub-section, 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 19. 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 20. That this Act shall have no effect unless the same shall be approved by the majority of the voters voting in an election to be held for such purpose. Said election shall be held at the general election in August, 1956 and it shall be the duty of the County Board of Election Commissioners of Greene County to call the election for the purpose of accepting or rejecting the provisions of this Act. On said ballot used in said election shall be printed thereon the title of this Act and the voters shall vote for or against its adoption. The votes cast in such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by such Board and certified to the Secretary of State. The qualifications of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder.

SECTION 21. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1955.

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