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Private Acts of 1947 Chapter 235

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Private Acts of 1947 Chapter 235

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

Court rooms and adequate facilities for said Court shall be provided in the Courthouse at Morristown, and it shall be the duty of the Chairman of the County Court of said County to make provision 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 Hamblen 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 Hamblen County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace in their jurisdiction until the election and qualification of a Judge for said Court as hereinafter provided. 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 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, provided, that the Judge of the Court of General Sessions shall have additional authority to hear and determine Civil suits wherein the matter in controversy does not exceed One Thousand (\$1,000.00) Dollars, exclusive of costs.

As amended by: Private Acts of 1949, Chapter 621
Private Acts of 1951, Chapter 374

SECTION 3. That the Judge of the Court of General Sessions of Hamblen County, Tennessee, is hereby vested with all the jurisdiction, power, and authority of the Chairman of the County Court of Hamblen County, Tennessee; to hear and determine any matter or controversy now within the jurisdiction of the Quorum Court, or expressly conferred upon the County Chairman by statute, and the said Chairman of said Court is hereby divested of all such jurisdiction, power and authority; provided nothing in this Act shall be construed to divest said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly County Court of said County.

There is hereby conferred upon said court jurisdiction to remove the disability of minority to the same extent that such jurisdiction is now vested in the Chancery Court. The pleading and practice in such proceedings shall be the same as in the Chancery Court and the Clerk and Master shall serve as the Clerk of the Court in such matters and shall receive the same costs, fees, and emoluments as are now by law to the Clerk and Master for such services.

As amended by: Private Acts of 1949, Chapter 621
Private Acts of 1963, Chapter 18

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

As amended by: Private Acts of 1949, Chapter 621

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 (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Two Dollars and Fifty (\$2.50) Cents, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

SECTION 6. That said Court shall be in session at the courthouse in Morristown daily, except legal holidays, from 9 o'clock 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 Hamblen County as 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.

As amended by: Private Acts of 1949, Chapter 621

SECTION 7. 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; 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 Chairman of the County Court of said County has been

divested of authority and jurisdiction, shall be the same as now required by law, except where specifically changed by this Act.

As amended by: Private Acts of 1949, Chapter 621

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.

SECTION 9. 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 Fifteen Thousand Dollars (\$15,000.00) per annum, payable in equal monthly installments, the same being paid out of the General Funds of the County.

Beginning September 1, 1975, the compensation of the Judge of said Court shall be the base salary fixed in this Act adjusted to reflect the percentage of change in the per capita personal income of the state of Tennessee, as defined and published by the United States Department of Commerce, between that of the calendar year 1974 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments shall occur on September 1, 1975 and on September 1 every year thereafter for the ensuing year commencing September 1.

As amended by: Private Acts of 1949, Chapter 621

Private Acts of 1951, Chapter 374

Private Acts of 1974, Chapter 273

SECTION 10. That the first Judge shall be elected by the qualified voters of the County at the election for other County officers in August, 1948, and shall take office September 1, 1948, and who shall serve until his successor is elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers in August, 1950, and hold said office for a term of eight years 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 the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold Court for the occasion.

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

As amended by: Private Acts of 1949, Chapter 621

SECTION 12. That the Clerk of the Circuit Court of Hamblen 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 the 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. Said Clerk's compensation shall be Twelve Hundred (\$1200.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

As amended by: Private Acts of 1949, Chapter 621

SECTION 13. That the Clerk of the County Court of Hamblen County shall serve as Clerk of said General Sessions Court in all matters in which the jurisdiction of the Chairman of the County Court has been vested in the Judge of the Court of General Sessions, who shall receive the same costs, fees, and emoluments as are now allowed by law for such services.

As amended by: Private Acts of 1949, Chapter 621

SECTION 14. That all fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court, when proceeding with civil and criminal cases, shall be paid monthly to the County Trustee of Hamblen County, and shall be deposited by said Trustee in the General Fund of the County. 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 15. 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 16. That the Court of General Sessions of Hamblen 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 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 Hamblen

County, where such appeal shall be tried by a Judge in such Court without a jury, and without indictment or presentment.

SECTION 17. 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 of 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 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 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 and trial by a jury of his or her peers.

Signed

Attest

Clerk

SECTION 18. That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Hamblen 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 19. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Hamblen 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 Hamblen County on the date this Act becomes effective.

SECTION 20. [Repealed by Private Acts of 2013, Chapter 14]
As amended by: Private Acts of 2001, Chapter 21
Private Acts of 2013, Chapter 14

SECTION 21. That the Legislature 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 22. That all laws or parts of laws in conflict with the provisions of this Act be, and there they are hereby, repealed as of the date this Act becomes effective.

SECTION 23. That the enactment of this Act shall not effect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Hamblen County as now existing and as to them and their powers and duties this Act shall take effect September 1st, 1948, but for all other purposes from and after its passage, the public welfare requiring it.

Passed: February 12, 1947.

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