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# Private Acts of 1939 Chapter 54

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Sincerely,

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Table of Contents

<b>Private Acts of 1939 Chapter 54 .....</b>	<b>3</b>
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# Private Acts of 1939 Chapter 54

**COMPILER'S NOTE:** The effective provisions of this act may be modified by ordinance pursuant to the Knox County Charter, Chapter 18, Article III.

**SECTION 1.** There is hereby created and established a court in and for Knox County, Tennessee, which shall be divided into five (5) divisions: One of which shall be designated Court of General Sessions, Division I, of Knox County, Tennessee, another, Court of General Sessions, Division II, of Knox County, Tennessee, another, Court of General Sessions, Division III, of Knox County, Tennessee, another, Court of General Sessions, Division IV, of Knox County, Tennessee, and the other, Court of General Sessions, Division V, of Knox County, Tennessee. The Court shall be held in Knoxville and Knox County, shall provide court rooms, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and pay for same out of the ordinary funds of said County.

There is created a Division V of the General Sessions Court of Knox County, Tennessee, and the position of General Sessions Judge to serve such Division V. Division V shall have the same jurisdiction, powers and authority as the other divisions of General Sessions Court in Knox County.

As amended by: Private Acts of 1959, Chapter 72

Private Acts of 1995, Chapter 22

**SECTION 2.** That the jurisdiction, powers and authority of said Court shall be co-extensive with Knox County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Knox County are hereby divested of all such jurisdiction, powers and authority. 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 is in no wise affected by this Act.

**SECTION 3.** Three (3) divisions of the court shall be open for the conduct of business at the times on the days that the courthouse facilities shall be open for the conduct of the general business of the county. One judge shall be available for performance of needed judicial services for the termination of normal working hours until the opening of court on the next regular business day. Judges may hold court at the courthouse or in any other facilities provided by Knox County or the city of Knoxville for such purposes.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 4.** That before the commencement of any civil action, the plaintiff shall pay to the Clerk of said Court of General Sessions an amount sufficient to cover the fees for the issuance of the original warrant or summons, writs of attachment, replevin or unlawful and forcible entry and detainer, rendition of judgement, docketing and the fees of the officers serving such process, such costs to be estimated by the Clerk of said Court. Before the issuance of any execution, or other process, or the performance of any additional service in the case, the plaintiff or the party seeking the same shall pay to the Clerk the fees therefor. Such payment made for Court costs shall be credited at once to the party paying the same, and such costs paid as compensation for the service of officers shall become payable to them only after the return of process has been made. When, and in the event such costs are collected from the defendant, the plaintiff or the party entitled thereto, shall thereupon be refunded the same; provided, however, that any resident of this State who is eligible to take and subscribe the oath for poor persons, may, upon taking and filing such oath, commence and prosecute an action without prepayment of cost.

As amended by: Private Acts of 1947, Chapter 148

**SECTION 5.** That the laws now regulating pleading and practice; stay of and appeals from judgements, writs and processes in civil cases in the courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the judges of said Court. In order to facilitate the business of the court, all cases set for hearing upon the trial docket may be called, heard and disposed of on the designated day and hour set without the waiting period of one hour thereafter as provided for either party in cases before Justices of the Peace.

The judges of the court shall adopt in writing such rules of evidence and procedure as may be necessary to expedite the trial and disposal of cases.

As amended by: Private Acts of 1943, Chapter 395

Private Acts of 1981, Chapter 169

**SECTION 6.** There shall be designated one of the judges of the four (4) divisions as administrative judge for the court. The administrative judge shall be responsible for the general oversight of the business of the court during the time which he serves in such capacity. In addition, he shall be responsible for the coordination of the work of the judges of the court with the judicial commissioners assigned to the court, if any, and shall certify to the county executive the hours worked and performance of said commissioners for any purpose for which the county executive asks for such certification. He shall also be responsible for scheduling the work assignments of the various judges and for coordinating the interchange between the

judges necessitated by the sickness or absence of one of the judges and shall be responsible for the appointment of special judges, if needed, as provided hereinafter.

The designation as administrative judge shall be rotated between the judges of the various divisions commencing on September 1, 1981 at which time the judge with the greatest length of service as judge of the court shall be so designated and shall serve in the capacity for three (3) months, after which the judge with the second greatest length of service as judge of the court shall be so designated. The designation as administrative judge shall continue in that sequence until each of the judges of the various divisions has been so designated and served. In the event that any two (2) judges shall have the same length of service on the court, the designation as between them shall be made according to the numerical designation of their respective divisions in ascending order. Beginning on September 1, 1982 and at the beginning of each new term of the judges of the court thereafter, the rotation of the designation as administrative judge shall start anew with the judge with the greatest length of service to the court at that time being designated as administrative judge, who shall serve for a term of six (6) months in that capacity. Thereafter rotation of designation as administrative judge shall proceed, as outlined above, at six (6) month intervals throughout the remainder of the term.

In the event of unavailability of the administrative judge and an administrative decision is required, the next available judge in line to become administrative judge according to the rotation outlined above, shall be empowered to make such administrative decision in his stead.

As amended by: Private Acts of 1981, Chapter 169

**SECTION 7.** That in all matters the 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, and all other officers, for the execution of writs and processes of said Court and fees for 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 the Court shall accrue to the Clerk of the Court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the sheriff and all other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

**SECTION 8.** That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or 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, lists of fees of court, of the sheriff and all other officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Division of the Court in which, and the Judge by whom, the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer, who receives the warrant, shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets.

**SECTION 9.** That there shall be one (1) judge for each division of said Court with the same qualifications and terms of office as provided by the Constitution of the State of Tennessee for inferior courts; and such judges shall take the same oath as that prescribed for Circuit Judges and Chancellors.

**SECTION 10.** The compensation of each of said judges shall be in the amount of eighty-five percent (85%) per annum of that of the circuit and chancery judges of the state of Tennessee, including any cost of living adjustments or other adjustments to judges' compensation during their term in office, payable out of the ordinary fund of the county in equal monthly installments from and after September 1, 1982. Judges shall give all of their regular working time to the duty of their office.

As amended by:  
 Private Acts of 1947, Chapter 148  
 Private Acts of 1953, Chapter 492  
 Private Acts of 1972, Chapter 338  
 Private Acts of 1981, Chapter 169

**SECTION 11.** That the Governor shall appoint the first three (3) judges of said court, who shall serve until the first day of September, 1940, and until their successors have been elected and qualified.

Their successors shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1940, to serve until the first day of September, 1942, or until their successors are qualified. Their successors shall be elected every eight (8) years thereafter for a term of eight (8) years.

Any person who shall become a candidate for election in August, 1940, and shall hold said office from the

first day of September, 1940, or thereafter, for any one of the offices of judge of said court shall designate to the Board of Election Commissioners of Knox County the division of the court to which he seeks to be elected, and the candidate who shall receive the highest number of votes cast for judge of that division of said court shall be declared elected thereto. The Judge of Division V of the General Sessions Court of Knox County shall initially be appointed as provided by law. Such appointed judge shall serve until September 1, 1996, or until such judge's successor is elected and qualified. At the regular August Election in 1996, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court until September 1, 1998, or until such judge's successor is elected and qualified. At the regular August election in 1998, and every eight (8) years thereafter, the qualified voters of Knox County shall elect a person to serve as Judge of Division V of the General Sessions Court for a term of eight years.

The Judge of Division V of the General Sessions Court of Knox County shall have the same jurisdiction, authority, powers and receive the same compensation, payable in the same manner, as the judges of the other divisions of the General Sessions Court of Knox County.

As amended by: Private Acts of 1995, Chapter 22

**SECTION 12.** If a judge of a division of the court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, the matters coming on for hearing in that division shall be reassigned to the divisions open for business; provided, however, that the administrative judge may call for service the judge of the division not scheduled to be in session if the matters for hearing in all divisions do not appear capable of disposition during the normal working hours of the available judges. At any time the administrative judge determines that less than three (3) judges are available for service and that appointment of a special judge is required by reason of the volume of matters coming on to be heard which are not reasonably capable of continuance, then a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (a). With concurrence of the administrative judge, a special judge may be appointed in accordance with Tennessee Code Annotated, Section 16-15-209 (b). No special judge or judges shall be designated pursuant to Tennessee Code Annotated, Section 16-15-209 (b). More than twenty (20) normal business days in any one calendar year to serve for or in the stead of the judge of any one division. Special judges shall serve without pay.

As amended by: Private Acts of 1945, Chapter 326  
Private Acts of 1967-68, Chapter 209  
Private Acts of 1981, Chapter 169

**SECTION 13.** That the judges of the three divisions of said court may interchange with each other, when necessary, or where such interchange is for the mutual convenience, or in case of sickness, absence or other disability on the part of any such judge to hold his court, and in the case of a vacancy for any cause, either of the other judges may hold court in the division in which such vacancy exists. The Governor shall have the power to appoint some qualified person to fill such vacancy.

**SECTION 14.** That the Clerk of the Circuit Court of the County shall act as the Clerk of the Court of General Sessions for the purpose of overseeing the court's civil docket, and when acting as Clerk of such court in that capacity shall designated "Clerk of Court of General Sessions of Knox County, Civil Division". Such Clerk is hereby authorized to perform the duties of the civil division of such court. The fees, commissions and emoluments of the civil division of such court of General Sessions shall constitute a part of the fees, commissions and emoluments of the office of the Clerk of the Circuit Court of the County. The Clerk of the Circuit Court shall receive no additional compensation for his services; however, such deputies and assistants as may be necessary for the proper operation and administration of the duties of such office shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy Circuit Court clerks.

The clerk of said court and his deputies assigned thereto shall have concurrent authority with the judges to issue warrants and other processes and writs, other than those which the law requires shall be issued only by or upon the fiat of a judicial officer.

As amended by: Private Acts of 2000, Chapter 126

**SECTION 15.** That the sheriff of Knox County shall assign a deputy sheriff to attend the sessions of each division of said court to preserve order and wait on and serve the court. The sheriff shall receive no additional compensation for his services or those of the deputies so assigned; however, such deputy sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of deputy sheriffs for Knox County. The clerk of said court shall certify to the County Judge of Knox County the names of deputy sheriffs so assigned to said courts. The County Judge shall issue warrants drawn upon the Trustee for their compensation as provided herein.

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 this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Knox County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment

or suit, whether said case is disposed of or pending when this Act becomes effective.

**SECTION 17.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said County, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be distributed between the three divisions of the court with an equal distribution as practicable.

**SECTION 18.** That said court shall have authority to hear and determine all undisposed of cases pending in the courts of Justices of the Peace of Knox County as if such cases had originated in said Court of General Sessions, and shall have power to issue executions on judgments rendered by Justices of the Peace.

**SECTION 19.** That the Legislature expressly declares that each section of this Act is several [sic], 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 portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 20.** That this Act shall take effect sixty (60) days after its passage, the public welfare requiring it.

Passed: January 24, 1939.

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