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# Private Acts of 1959 Chapter 68

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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,

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](http://www.ctas.tennessee.edu)

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## Private Acts of 1959 Chapter 68

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

Court rooms and adequate facilities for said Court shall be provided in the Court House at Dandridge, 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 Jefferson 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 Jefferson County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of 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, is in no wise affected by this Act.

As amended by: Private Acts of 1969, Chapter 115

**SECTION 3.** That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon the Chairman of the County Court in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile Cases, suits and actions, which jurisdiction shall be co-extensive with Jefferson County, Tennessee, provided, however, nothing in this Act shall be construed to divest the said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly Court.

As amended by: Private Acts of 1961, Chapter 247

**SECTION 4.** That jurisdiction and authority is hereby conferred upon the Judge of the Court of General Sessions for Jefferson 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 Jefferson County, and when so granted by him will be as effective as those granted by the Judges of the various Courts of this State.

**SECTION 5.** That before the issuance of any warrant in a civil case the plaintiff shall execute cost bond with good security in the sum of Twenty-Five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Court of not less than Five (\$5.00) Dollars, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or to 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 Court House in Dandridge daily, except legal holidays, from 9 o'clock A.M. to 5 o'clock P.M., provided, however, the Judge shall have the power and authority to hear and determine cases at any other place in Jefferson County as he may determine to be more feasible and convenient for the parties.

**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 specially changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act' and that the costs and fees, rules of pleading and practice, forms of writs and process, and dockets and records in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile cases shall be the same as now required by law, except where specifically changed by this Act.

**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 Judges and Chancellors, except that such Judge need not be learned in the law and authorized to practice the law in the courts of Tennessee. His compensation shall be that as fixed by the general law of the State for Judges of the court of General Sessions in counties of the fifth class, such compensation to be paid in equal monthly installments, out of the general funds of the county. Before entering upon the duties of his office, said Judge shall be required to make a bond in the principal amount of five thousand dollars (\$5,000.00), with a corporate surety, conditioned upon the faithful performance of his duties, including the proper accounting of all funds coming into his hands. The premium cost of said bond shall be paid out of the general funds of the county.

As amended by: Private Acts of 1965, Chapter 183

**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, 1960, and shall take office September 1, 1960, and who shall serve until his successor is duly 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, 1966, and hold said office for a term of eight years as provided by law for Circuit Judges and Chancellors.

**SECTION 11.** That in the case of a vacancy for any cause the Quarterly County Court shall have the power, at any regular or special session called for such purpose, to appoint some qualified person to fill such vacancy until September 1st. 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 Jefferson County.

**SECTION 12.** That if the Judge of said Court fails to attend, cannot attend, or preside in a pending case, the majority of the attorneys present in such Court may elect one of their number or some other qualified person who has the qualifications of such Judge, and when so elected shall have the same authority as a regular Judge to hold Court for the session.

**SECTION 13.** That the Clerk of the Circuit Court of Jefferson 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. Said Clerk's compensation shall be Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

**SECTION 14.** That the Clerk of the County Court of Jefferson County, Tennessee, shall serve as Clerk of said Court in all Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile matters, who shall receive the same costs, fees and emoluments as are now allowed by law for such services.

**SECTION 15.** That all fees, commissions and emoluments occurring 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 Jefferson 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 16.** 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 other inferior courts.

**SECTION 17.** That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with jurisdiction and try to determine and render final judgments in all misdemeanor cases brought before said court by warrants 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 Circuit Court of Jefferson County, where such appeal shall be tried by a Judge of such court without a jury, and without indictment or presentment.

As amended by: Private Acts of 1980, Chapter 178

**SECTION 18.** That it shall be mandatory duty of the Judge of said Court where a defendant is brought before such court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of a counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement 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 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 19.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Jefferson County, Tennessee, 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 20.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Jefferson County, Tennessee, 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 the Justices of the Peace of said County shall be turned over to Jefferson County on the date this Act becomes effective.

**SECTION 21.** That the Legislature expressly declares that each section, subsection, 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 effect 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 they are hereby, repealed as of the date this Act becomes effective.

**SECTION 23.** That this Act have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County court of Jefferson County, Tennessee, at any regular or called session occurring within one year subsequent to 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.

Upon such approval of this Act by the Quarterly County Court of Jefferson County, Tennessee, the enactment of this Act shall not affect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Jefferson County as now existing and as to them and their powers and duties this Act shall take effect September 1, 1960, but for all other purposes from and after its passage and approval as hereinbefore set out, the public welfare requiring it.

Passed: February 19, 1959.

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