



July 22, 2024

Private Acts of 1947 Chapter 345

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 345

SECTION 1. That there is hereby created and established a Court in and for Blount County, Tennessee, which shall be designated Court of General Sessions of Blount County, Tennessee. The Court shall be held in Maryville, and Blount County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and shall pay for the same out of the general funds of the County.

SECTION 2. That the jurisdiction, powers and authority of said Court shall be co-extensive with Blount 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 Blount 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 County Court or in the performance of rites of matrimony is in no wise affected by this Act.

That the Judges of the Court of General Sessions are hereby empowered to grant fiats for writs and attachments, injunctions, ne exeat and other extraordinary processes in suits to be filed or pending in the Circuit, Criminal or Chancery Courts of Blount County, Tennessee.

As amended by: Private Acts of 1949, Chapter 324
Private Acts of 1957, Chapter 227

SECTION 3. That before the issuance of any warrants in civil cases, 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 Three (\$3.00) Dollars, 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 4. That the laws now regulating pleading and practice; stay of and appeals from judgments, 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 Judge of said Court.

SECTION 5. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

SECTION 6. That in all matters the cost and fees of the cost and fees out of the 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 7. 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 if 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 manner in which 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.

As amended by: Private Acts of 1949, Chapter 324
Private Acts of 1957, Chapter 227

SECTION 8.

(a) That there is hereby created four (4) sections of said Court of General Sessions, to be know as Section No. 1, Section No. 2, Section No. 3 and Section No. 4, respectively; that there shall be four (4) full time Judges of said court, one (1) to preside over each section; that said Judges shall be persons who are licensed attorneys and who have been admitted to practice law before the Supreme Court of Tennessee

and shall have all the other qualifications as are prescribed for Circuit Judges; that said Judges shall not be permitted to practice law during their tenure of office and shall devote all their working time to the office of Judge, provided, however, that such Judge may conclude to final determination any cases which the Judge may have pending at the time such Judge takes office as a General Sessions Court Judge.

(b) The Judge of Section 4 shall be appointed by the legislative body of Blount County as provided by law and the person so appointed shall serve until September 1, 2006, or until such person's successor is elected and qualified. The appointment by the Blount County legislative body shall take effect on January 1, 2005. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Blount County shall elect a person to the office of Judge of Section 4 of the General Sessions Court for a term of eight (8) years. In such election and all subsequent elections, the candidates shall designate and qualify to run for the position of Judge of Section 4 of the General Sessions Court of Blount County.

(c) The Judge of Section 4 of the General Sessions Court of Blount County shall receive the same compensation, payable in the same manner, and benefits as the Judges of Sections No. 1, No. 2 and No. 3. Section 4 of the General Sessions Court shall have concurrent jurisdiction with Sections No. 1, No. 2 and No. 3.

As amended by: Private Acts of 1949, Chapter 324
 Private Acts of 1957, Chapter 227
 Private Acts of 1989, Chapter 48
 Private Acts of 2004, Chapter 111

SECTION 9. Effective September 1, 2006, the Judge of Section No. 3 of said Court shall be the presiding Judge and shall designate the time of holding Court for each section, shall designate the Judge to preside over the same from time to time and shall set the docket of cases to be heard and in general determine the manner in which said Court shall be conducted for the most expeditious hearing or disposition of the cases filed therein, provided, however, that nothing in this act contained shall be construed as prohibiting either of said Judges from hearing cases in either of the sections of said Court at the designation of said presiding Judge.

Beginning September 1, 1982, the base compensation of the judges of Division I and Division II shall be thirty-seven thousand five hundred dollars (\$37,500) for the performance of all judicial duties other than juvenile matters and five thousand dollars (\$5,000) for the performance of their duties concerning juvenile matters; payable in equal monthly installments out of the general fund of the county. The base compensation shall be adjusted annually by the cost of living increase, if any, appropriated by the Blount County legislative body for all other county employees; said adjustments having the same effective date as the increases for all other county employees.

That each of said judges of the Court of General Sessions shall be entitled to have four (4) weeks each calendar year when they shall not be required to perform their duties, as vacation, and/or sick leave with salary and during such time each judge shall appoint some member of the Blount County Bar to perform his duties and which substitute, so appointed shall have all of the rights and powers of a judge of the Court of General Sessions of Blount County and shall be paid for such services at the rate of One Hundred (\$100.00) Dollars per week, which sums shall be paid out of the general funds of the County upon certification of such judge of the Court of General Sessions for whom such substitute judge is serving.

As amended by: Private Acts of 1949, Chapter 324
 Private Acts of 1955, Chapter 396
 Private Acts of 1957, Chapter 227
 Private Acts of 1965, Chapter 202
 Private Acts of 1970, Chapter 260
 Private Acts of 1982, Chapter 217
 Private Acts of 2004, Chapter 111

COMPILER'S NOTE: The minimum compensation of general sessions court judges is set by general law found at T.C.A. § 16-15-5001 *et seq.*

SECTION 10. That said Judges shall be elected by the qualified voters of Blount County at the General August Election in August, 1958, and for a term of eight years or until his successor shall be elected and qualified and shall take office on September 1, 1958; that in said election and all subsequent elections, the candidates for such offices shall designate and be qualified to run for Judge of Section No. 1 or Section No. 2 as such candidate may desire; that said Judges shall thereafter be elected to the Judgeship by the qualified voters of Blount County each eight years at the General August Election.

That in the event of a vacancy in the office of either of said Judgeships, his successor shall be designated in the manner provided by law, such successor to have the same qualifications as are prescribed hereby and who shall serve until the next General Election held in the County of Blount, at which time a successor shall be elected to fill out the unexpired term of such Judge.

As amended by: Private Acts of 1949, Chapter 324
Private Acts of 1957, Chapter 227

SECTION 11. That if the Judge of said Court of General Sessions for any reason fails to hold Court, 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 shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of said Court shall preside at such elections and shall keep in his office a record of the election of such special Judges. Such special Judges shall not be entitled to compensation for their services.

SECTION 12. The Clerk of the Circuit Court of Blount County is hereby made ex officio clerk of the court of General Sessions and shall perform the duties herein devolved upon such clerk. For the services rendered by him in ex officio capacity he shall be paid the sum of \$2500.00 per annum, payable monthly the fees and emoluments of office and he is also authorized to pay from such fees and emoluments for all necessary supplies, stationery and postage. Likewise, upon proper petition to the Circuit or Chancery Court of such County he shall be allowed such additional deputy or deputies as may be necessary to efficiently conduct the business of the office, such deputy or deputies to possess all the powers herein conferred upon the clerk. Any excess fees and emoluments over and above those heretofore appropriated shall be paid into the County Treasury.

The Clerk of the Circuit Court shall act as the Clerk of the Court of General Sessions in cases, suits, proceedings or actions involving the following subject matters, jurisdiction of which is granted to the Court of General Sessions in Section 19 of this chapter as amended by Chapter 202 of the Private Acts of 1965; juvenile, bastardy, illegitimates, legitimation, and abandonment of wife and child.

As amended by: Private Acts of 1949, Chapter 324
Private Acts of 1951, Chapter 670
Private Acts of 1957, Chapter 145
Private Acts of 1970, Chapter 260

SECTION 13. That the sheriff of Blount County shall assign a regular Deputy Sheriff to attend the sessions of said Court of General Sessions to preserve the order and wait on and serve the Court, in the same manner as is now provided for officers of the other Courts of said County.

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 now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace of said County.

SECTION 14. That this Act shall in no way impair the right, title or interest of any Justices of the Peace of Blount County to any unpaid fees, or funds 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.

SECTION 15. 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.

SECTION 16. That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Blount 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 17. That the Legislature expressly declares that each section of this Act is severable, and that if any portion of this Act should 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 18. That this Act shall take effect September 1, 1958 the public welfare requiring it.

As amended by: Private Acts of 1957, Chapter 227

SECTION 19.

(a) That said Court of General Sessions of Blount County, Tennessee is hereby vested with all jurisdiction and shall exercise the authority conferred by the legislature upon the County Judge or Chairman of the County Court in probate, decedents' estates, guardianship, conservatorship, insanity, lunacy, feeble-minded, persons of unsound mind, juvenile, bastardy, illegitimates, legitimation, change of name, partition, condemnation, sale of property, foreclosures of mortgages and vendors liens, foreclosures of other liens, workmen's compensation, and abandonment of wife or child cases, suits, proceedings and actions, which jurisdiction shall be co-extensive with Blount County, Tennessee; provided, however, nothing in this act shall be construed to divest the Judge of the County Court of his jurisdiction and

authority as financial or fiscal agent of said County and as presiding Judge of the Quarterly County Court.

(b) The court of general sessions of Blount County shall also be vested with all jurisdiction, powers and authority relating to the probate of wills and the administration of estates as is conferred by law upon probate courts.

The Court of General Sessions of Blount County shall also be vested with concurrent jurisdiction with the Circuit and Chancery Courts over domestic relations cases. The Clerk and Master shall be designated as the Clerk of the General Sessions Court when it is exercising such domestic relations jurisdiction.

(c) The court of General Sessions of Blount County shall be vested with all jurisdiction, powers and authority conferred on chancery courts to order and confirm sales of real property in estates of incompetents, including guardianships, special guardianships, limited guardianships, testamentary guardianships and conservatorships.

As amended by: Private Acts of 1965, Chapter 202
Private Acts of 1987, Chapter 60
Private Acts of 1989, Chapter 48
Private Acts of 1991, Chapter 49

SECTION 20. That said Court of General Sessions shall have the authority to hear and determine all undisposed of cases pending in the County Court of Blount County, Tennessee, as if such cases had originated in said Court of General Sessions.

As amended by: Private Acts of 1965, Chapter 202

SECTION 21. That the County Clerk of Blount County, Tennessee, shall act as Clerk of said Court of General Sessions in all cases relating to probate, decedents' estates, guardianship, conservatorship, insanity, lunacy, feebly-minded, persons of unsound mind, change of name, partition, condemnation, sale of property, foreclosures of mortgages and vendors liens, foreclosures of other liens, and workmen's compensation and cases, suits, proceedings and actions, provided, however, nothing in this section of this act shall be construed to divest the Clerk of the Circuit Court for Blount County, Tennessee, of any of his duties or authorities granted by Section 12 of this act.

As amended by: Private Acts of 1965, Chapter 202
Private Acts of 1970, Chapter 260
Private Acts of 1982, Chapter 209

Passed: February 14, 1947.

Source URL: <https://www.ctas.tennessee.edu/private-acts/private-acts-1947-chapter-345>