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Private Acts of 1947 Chapter 769

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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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Private Acts of 1947 Chapter 769

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

Campbell 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. One of said rooms shall be located at Jacksboro, Tennessee, the others in LaFollette and Jellico.

SEC. 2. That said Court of General Sessions is on and after September 1, 1948, 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; and the Justices of the Peace of Campbell County are on and after September 1, 1948, hereby divested of all such jurisdiction 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 nowise affected by this Act.

Provided that the Justices of the Peace of Campbell County, Tennessee, shall have the right and power, and it is declared their duty, to issue criminal and civil warrants, attachments, writs of replevin and all other processes over which they have jurisdiction under the general laws of the State of Tennessee, but return of all said writs and processes shall be made by the Sheriff or Constable serving the same to the General Sessions Judge, who shall have exclusive jurisdiction to try the issues raised in all such cases. Said Justices of the Peace shall have the power and authority, and it declared their duty, to issue mittimus to the county jail and to approve appearance bonds in any proper case wherein he issued the criminal warrant. The compensation for services of the Justices of the Peace shall inure to them and shall be the same as provided by the general law pertaining to fees for Justices of the Peace.

As amended by: Private Acts of 1949, Chapter 381

SEC. 3. That said Court shall sit at Jacksboro at least one day each week, at LaFollette at least one day each week, and at Jellico at least one day each week. One of the Deputy Clerks for said Court shall reside and be available at LaFollette, and one of the Deputy Clerks for said Court shall reside and be available at Jellico, for the performance of the duties of the Court.

SEC. 4. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

SEC. 5. That the jurisdiction of said Court shall be co-extensive within the boundaries of Campbell County, Tennessee, and the said Judge shall have power and authority to hear and try all cases over which he has jurisdiction at any courtroom established therefor, or at such other place or places in Campbell County as he may determine to be more feasible and convenient for the parties.

SEC. 6. 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 \$25.00, or in lieu thereof, make a cash deposit with the Judge or Clerk of not less than \$2.50, or more than \$25.00, to secure the costs, or take the oath prescribed for poor persons, and on motion, the Court may increase the security.

SEC. 7. That the rules of pleadings and practice, form of writs and process, stay of judgments, and appeals in civil cases of said Court shall be the same as of Justices of the Peace.

SEC. 8. That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerks of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk, or to some one of his Deputy Clerks, and by him and his Deputies accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, and fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens, and other officers, for services in said Court shall be accounted for and disbursed as required by law.

SEC. 9. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, etc.,

and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

SEC. 10. That there shall be one Judge of said Court, who shall be a resident and a citizen of Campbell County, Tennessee, and who shall be a lawyer duly licensed to practice law in all the Courts of Tennessee, and who shall otherwise have the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts, who shall before entering upon his duties as such take and subscribe an oath of office similar to that prescribed for Circuit Judges and Chancellors; and who shall also before entering upon his duties execute an official bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithfully accounting for all money coming into his hands.

Nothing in this Act shall prohibit the person elected to said Judgeship from appearing as counsel or attorney in any of the Courts of this State, or otherwise engaging in the practice of law; except that he shall not practice in the Court of General Sessions of Campbell County, or the Circuit and Criminal Courts of Campbell County, and neither shall he appear as counsel or attorney in the Chancery Court of Campbell County in any case or proceeding in which said Court of General Sessions of Campbell County has concurrent jurisdiction with said Chancery Court.

As amended by: Private Acts of 1967-68, Chapter 213
Private Acts of 1970, Chapter 230

SEC. 11. That due to the large increase in number of cases to be tried and increase in other work to be performed by the Judge of said Court since September 1, 1950, brought about by changed conditions since said date, and further brought about by virtue of the jurisdiction of said Court having been enlarged by virtue of the enactment into law of Chapter 39 of the Public Acts of Tennessee for the year 1953, the salary or compensation for said Judge shall be and the same is now fixed at the sum of \$5,000.00 per annum, payable in equal monthly installments on the first of each month out of the ordinary funds of the County.

As amended by: Private Acts of 1949, Chapter 381
Private Acts of 1951, Chapter 624
Private Acts of 1955, Chapter 229

SEC. 12. That the first Judge of said Court of General Sessions shall be elected in the General Election to be held in Campbell County, Tennessee on the first Thursday in August, 1948, and the term of office of such Judge so elected shall be computed from the first day of September, 1948, and shall hold said office until the first day of September, 1950, or until his successor is elected and qualified.

His successors shall be elected every eight years at such election for the term provided by law for Judges of inferior Courts.

In case of a vacancy in said office of Judge of said General Sessions Court for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until the next general County election, when a Judge shall be elected by the people for the unexpired term of office.

SEC. 13. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold said 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.

SEC. 14. That the Clerk of the Circuit Court of Campbell County, Tennessee shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Campbell County". Such Clerk is authorized and required to designate to serve at his pleasure one Deputy Clerk, who shall reside and be available at LaFollette, Tennessee, and one Deputy Clerk who shall reside and be available at Jellico, Tennessee, for the performance of the duties of said Court of General Sessions, and the authority of said Deputy Clerks at LaFollette and Jellico is restricted to that of Deputy Clerks of said Court of General Sessions.

The Circuit Court Clerk of said county is authorized and empowered to designate, nominate and appoint an additional deputy to serve at the pleasure of the Circuit Court Clerk as a deputy clerk of the General Sessions Court, who shall maintain his office in Jacksboro, Tennessee, and devote his full time and attention to the office of deputy General Session Court Clerk, he having the duties and powers herein vested in the other deputy clerks herein provided. Said Deputy Clerk shall be entitled to be paid and shall receive a salary of \$250.00 per month of service, which sum shall be paid monthly out of the General Funds of said county upon warrant of the County Judge.

As amended by: Private Acts of 1949, Chapter 381
Private Acts of 1963, Chapter 48

Said Clerk and his said Deputy Clerks are hereby authorized to perform the duties of said Court of General

Sessions; except the Clerk and his Deputy Clerks shall not hear and determine cases. The Clerk and his Deputy Clerks shall not have authority to issue any writ or other process which under the Constitution and laws are restricted to issuance only by the Judge of said Court.

For his or her additional duties and service as Clerk of said Court of General Sessions, such Clerk shall receive as compensation the sum of Twelve Hundred (\$1,200.00) Dollars per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County. Said Deputy Clerk at LaFollette shall receive as compensation for his or her services the sum of Twelve Hundred (\$1,200.00) Dollars per annum; and said Deputy Clerk at Jellico shall receive as compensation for his or her services the sum of Fifteen Hundred Dollars (\$1,500.00) per annum; said compensation to each of said Deputy Clerks payable in equal monthly installments on the first day of each month, out of the ordinary funds of Campbell County.

As amended by: Private Acts of 1951, Chapter 624
Private Acts of 1963, Chapter 49

Said Clerk and Deputy Clerks shall perform all duties required of them by the Court of General Sessions, and shall receive, safely keep and account for all funds received by said Court, and shall pay over to Campbell County quarterly all fees, commissions, and emoluments of said Court.

The Clerk and Deputy Clerks of said Court shall have concurrent jurisdiction and authority with the Judge of said Court in the filing of all papers, pauper oaths, appeal bonds, etc., and in the issuance of all processes required to be issued from said Court, except such processes as under the Constitution and laws can only be issued by the Judge.

SEC. 15. That before entering upon their duties, said Clerk of said Court and his Deputy Clerks shall each subscribe an oath for the faithful performance of their duties, and each shall execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his or her hands and for the faithful performance of his or her duties.

SEC. 16. The Sheriff of Campbell County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court, or issued by the Clerk or any Deputy Clerk thereof, with the same authority as provided by law in the other inferior Courts.

SEC. 17. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Campbell 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 the Justices of the Peace of Campbell County, Tennessee, are divested of their jurisdiction and authority to hear and determine civil and criminal cases on and after September 1, 1948, as provided in this Act.

SEC. 18. That said Court of General Sessions of Campbell County, Tennessee, shall have jurisdiction and authority to hear and determine all undisposed of cases on and after September 1, 1948, arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions and other necessary writs and orders on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgments.

SEC. 19. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace at the close of business on the last day of August, 1948, shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to Campbell County as provided by law.

SEC. 20. 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 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.

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

Passed: March 14, 1947.

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