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Public Acts of 1972 Chapter 505

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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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Public Acts of 1972 Chapter 505

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. Chapter 218, as amended, of the Private Acts of 1959 is amended by deleting from Section 3 the second sentence in its entirety.

SECTION 2. Chapter 35 of the Private Acts of 1953, as amended, is repealed.

SECTION 3. As of the effective date of this Act, there is created a consolidated General Sessions Court for those counties having a population of not less than 16,300 nor more than 16,400 and those counties having a population of not less than 3,700 and not more than 3,800, according to the 1970 Federal Census or any subsequent Federal Census and therein applicable to White and Van Buren Counties. Such a Court shall be referred to generally as the Greater General Sessions Court of Van Buren and White Counties and shall be known as the Court of General Sessions of Van Buren County, when sitting in Van Buren County, and the Court of General Sessions of White County, when sitting in White County.

SECTION 4. The Greater Court of General Sessions of Van Buren and White Counties is vested with all jurisdiction set forth in Tennessee Code Annotated, 16-1104, relative to jurisdiction of powers of General Sessions Judges. Additionally, that Court is vested with divorce jurisdiction concurrent with that of the Circuit and Chancery Courts of this State, and an appeal from any judgment in all such cases shall be to the Court of Appeals or to the Supreme Court in the same manner as is provided in such cases from the Circuit and Chancery Courts. The Greater Court of General Sessions of Van Buren and White Counties further is vested with all jurisdiction set forth in Tennessee Code Annotated, 40-118, relative to the criminal jurisdiction of General Sessions Courts.

Such jurisdiction and, in addition thereto, venue, shall extend and apply co-extensively to causes of action and to all criminal matters arising in Van Buren County, White County, or both. Jurisdiction of the Greater General Sessions Court also shall be co-extensive with the provisions and subject to the limitations set forth in Tennessee Code Annotated, 19-301, relative to limitations of civil cases; Tennessee Code Annotated, 16-301 with respect to equity jurisdiction and matters relative to forcible entry and detainer.

The Greater General Sessions Court of Van Buren and White Counties is also vested with original jurisdiction in proceedings involving or affecting juveniles, as conferred by Sections 37-203 and 37-204, Tennessee Code Annotated, or any other provision of law, upon juvenile courts, and the county judges of Van Buren and White Counties are divested of such juvenile jurisdiction.

As amended by: Private Acts of 1975, Chapter 78

SECTION 5. The rules of pleading and practice, as apply to Courts of Justices of the Peace and to the extent compatible with and not in conflict with the provisions of Tennessee Code Annotated, 16-112 through 16-118, relative to the same, shall apply to the Greater General Sessions Court.

SECTION 6. Before the commencement of any civil action, the plaintiff shall execute a cost bond with good security in the sum of twenty-five dollars (\$25), or in lieu thereof a cash bond deposit with the Clerk of the Court of not less than five dollars (\$5) nor more than twentyfive dollars (\$25) to secure costs, subject to the application of provisions in the general law relative to the pauper oath.

Any provisions of this Act to the contrary notwithstanding, the Justices of the Peace in White County shall possess full and complete authority to issue both civil and criminal warrants and search warrants but such warrants shall be returnable to the Greater Court of General Sessions.

SECTION 7. The Greater Court of General Sessions shall be a Court of Record, and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 4 of this Act shall be entered immediately upon the issuance of the warrant. Upon the docket 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 the fees of the 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 Judge by whom the case was tried. There shall be a direct and cross index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the Court of General Sessions of Van Buren and White Counties, Tennessee until its issuance has been entered on said docket.

The Court of General Sessions shall keep a separate docket and minute book for all cases tried by the Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery

Courts to keep their minute books, and the minutes of the said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

SECTION 8. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with power and authority and it shall be his duty to make Court rules and regulations concerning the Court's business, such as the assignment of the trial docket, the hearing of motions and the dispatch of all matters properly before the Court but the said Court shall be in session one (1) day a week in Van Buren County, except legal holidays, at 9 o'clock a.m. for the hearing of cases, disposing of motions and for the transaction of any business that may be properly before the Court, and shall be in session four (4) days or until all matters before the Court have been disposed of, if sooner, in White County.

All process shall be returnable to the first Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day for the Court when sitting in White County. And all cases in said Court shall be set for an hour certain and the practice which prevailed for allowing one hour for parties to appear in Courts of Justices of the Peace shall not apply in said Greater Court of General Sessions.

SECTION 9. The Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before the said Court by warrant or information wherein the persons 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 said Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

SECTION 10. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, when a defendant is brought before said Court upon arraignment or trial, shall advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or 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 jury and all other rights guaranteed him under the United States Constitution. Upon the defendant agreeing in writing to waive the right to be put on 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 as is provided in Section 9 of this Act. The waiver shall be written on or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads guilty to the offense of _____ and waives his right to be tried only by indictment or presentment by a Grand Jury and likewise waives trial by a jury of his peers.

SECTION 11. No warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the criminal docket of the court has been made by the clerk of said court showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said docket showing receipt of such process all of such warrants, information, dockets and other records of the Greater Court of General Sessions of Van Buren and White Counties shall be available to the District Attorney General for any legal purposes.

SECTION 12. All appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of the Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

SECTION 13. In all cases tried under the jurisdiction conferred by Sections 5 and 9 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace Courts. 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 the Court as those provided by law for the Courts of Justices of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers for Services to said Court and the fines and forfeitures adjudged by said Court shall be handled, accounted for and disbursed as required by law. In all cases tried under the jurisdiction conferred by Section 4 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for the Circuit and Chancery Courts of the State of Tennessee.

SECTION 14. The Judge of the Court of Greater General Sessions of Van Buren and White Counties, shall

be a licensed attorney of this State and a resident of the county in which he presides and such Judge shall take the same oath as that prescribed for Circuit Judges and Chancellors. Nothing contained in this Act is to be construed as preventing the Judge of the Court of General Sessions from practicing in other Courts, but he may not appear as counsel in cases arising in his Court.

SECTION 15. The compensation of the Judge of the Greater Court of General Sessions of Van Buren and White Counties shall be thirteen thousand five hundred dollars (\$13,500) a year, payable in equal monthly installments out of the general funds of the counties in which he presides, and said compensation shall be in lieu of all fees, and all the fees of the Court shall be paid into the general fund of the counties. The compensation of the Judge of the said Court shall not be increased or diminished during his term of office. The judge's salary shall be paid on the basis of the following formula: \$4,000 from the general fund of Van Buren County and \$9,500 from the general fund of White County.

The judge of the Greater General Sessions Court of Van Buren and White Counties shall be paid an office expense allowance of one hundred dollars (\$100) a month, fifty dollars (\$50) of which shall be paid from the general fund of Van Buren County and fifty dollars (\$50) of which shall be paid from the general fund of White County, such amounts to be paid at the same time and in the same manner as is paid the salary of such judge.

As amended by: Private Acts of 1975, Chapter 78

SECTION 16. Oliver J. Hill, a licensed attorney of White County, Tennessee, is hereby named as Judge of the General Sessions Court of White and Van Buren Counties and shall serve until September 1, 1972. His successor shall be elected by the qualified voters of White and Van Buren Counties at the general election in August, 1972, to serve September 1, 1974. The qualified voters of White and Van Buren Counties shall elect a judge of the court at the August 1974 general election, to assume office on September 1 following the election and to serve for a full term of eight (8) years. Thereafter, every eight (8) years a judge shall be elected. Any vacancy occurring in the office of judge of the general sessions court of White and Van Buren Counties, resulting from the resignation, incapacity or death of the judge, shall be filled by appointment by the governor of some person learned in the law and constitutionally qualified to discharge the duties of the office until the next biennial general election for county officials, at which time a successor shall be elected to fill out the remainder of the unexpired term.

SECTION 17. The Judge of the said General Sessions Court is given the authority to interchange with the Circuit Judge and Chancellor, and they with him. If the Judge of the said court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a 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 the Court for the occasion. The Clerk of the Court shall preside at such election and shall keep in his office a permanent record of the election of such Special Judges. Such Special Judges shall not be entitled to compensation for their services.

SECTION 18. The Clerk of the Circuit Court of White County shall act as the Clerk of the Court of General Sessions of White County and Clerk of the Circuit Court of Van Buren shall act as the Clerk of the Court of General Sessions of Van Buren, during such times as the Greater Court of General Sessions is sitting in their respective counties.

All fees, commissions and emoluments of the Greater Court of General Sessions collected by the Clerk of the Court shall be paid into the general funds of the counties on the basis of which county the particular related matter arose from.

The Clerk of said Court or his Deputy 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 or upon the fiat of a judicial officer.

SECTION 19. The Sheriff of White County, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve the Court when sitting in White County and the Sheriff of Van Buren County shall do likewise when the Court is sitting in Van Buren. 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 of those counties.

SECTION 20. The Judge of the Greater Court of General Sessions of Van Buren and White Counties may grant fiats authorizing the issuance of injunctions and attachments and all other extraordinary processes in all cases conferred on Judges of other Courts and Chancellors in the State of Tennessee.

SECTION 21. 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 the Justices of the Peace, or former Justices of the Peace of White County shall be delivered to the Greater Court of General Sessions, as the successor of the Justices of the Peace. Papers in cases that are undisposed of and

pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the Greater Court of General Sessions.

SECTION 22. The Greater 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 White County as if such cases had originated in the Court of General Sessions.

SECTION 23. This Act shall in no wise impair the right, title or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 24. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 7, 1972.

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