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General Sessions Court

Dear Reader:

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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,

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General Sessions Court

Private Acts of 1947 Chapter 210

SECTION 1. That there is hereby established a Court in and for McMinn County, Tennessee, which shall be designated "Court of General Sessions of McMinn County, Tennessee." Said county shall provide a courtroom and office space in the courthouse in Athens, together with dockets, furnishings and necessary supplies required for the holding of such court the same to be paid for out of the general funds of said county.

As amended by: Private Acts of 1949, Chapter 204
Private Acts of 1974, Chapter 270

SECTION 2. That said Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred upon Justices of the Peace in civil and criminal causes and actions, Justices of the Peace in counties to which this Act applies may issue all civil and criminal process falling within the jurisdiction of Justices of the Peace under General Statutes but no such process when issued by a Justice shall be returnable to any Court other than the Court of General Sessions herein created; and such Justices shall be allowed their costs for the issuance of such criminal and civil process but no further costs in connection therewith provided that 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.

As amended by: Private Acts of 1949, Chapter 204

SECTION 3. That before the commencement of any civil action in said Court, the plaintiff shall be required to secure the costs by executing a cost bond with good and sufficient security in the penalty of not less than Twenty-five Dollars (\$25.00), or making a cash deposit of not less than Three Dollars (\$3.00), as may be deemed proper by the Judge or Clerk of said Court, or in lien thereof, take and file the oath prescribed for poor persons, in accordance with the laws of this State; provided, that the Court, on motion of the defendant, or its own motion, may have the amount of any such bond or cash deposit increased; and in case of the issuance of extraordinary process, such bond shall conform to the general statutes of this State.

SECTION 4. That the rules of pleading and practice, forms of writs and process and stays of an appeal from judgments in civil cases in said Court shall be the same as now or hereafter provided by the general statutes for Courts of Justice of the Peace.

SECTION 5. That said Court is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the persons charged with such misdemeanor offenses enters a plea of guilty or requests trial upon the merits, and expressly waives an indictment, presentment and Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge without a jury. The final judgment of such Court may be appealed to the Criminal Court of McMinn County, where such appeal shall be tried by the Judge of such Court without a jury, and without indictment or presentment.

That the said Court in addition shall have exclusive jurisdiction and powers with respect to the probate of wills and administration of estates as now exercised by the County Court of McMinn County, Tennessee, which is hereby divested of such jurisdiction, but this provision shall not affect or impair the powers and functions of the County Chairman of McMinn County in other respects. The procedure, rules or practice, and laws governing the Probate jurisdiction of said Court shall be in accordance with the General Laws of the State of Tennessee relating thereto, and in accordance with all reasonable rules of Court which the said Judge is hereby empowered to make.

As amended by: Private Acts of 1957, Chapter 1946
Private Acts of 1974, Chapter 270

SECTION 6. That it shall be the mandatory duty of the Judge of said Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to 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 with reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be tried by a jury, such Court may proceed to hear and determine the case as provided in Section 5 hereof.

Said waiver shall be written or attached to the warrant substantially in the following words:

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

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 compensation of the Sheriff, his Deputies, Game Wardens, State Highway Patrolmen, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed, as required by law.

SECTION 8. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the number and style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, list of fees of the Clerk, Sheriff, Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance and mileage, and credits for payments upon judgments 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 a like manner.

SECTION 9. That there shall be one judge of said court and that said judge shall be an attorney who is licensed to practice law in the courts of this state. The oath of said judge shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1974, Chapter 270

SECTION 10. That the compensation of said judge shall be seventeen thousand five hundred dollars (\$17,500.00) per annum, payable in equal monthly installments and shall be paid out of the general funds of said county. Such Judge may practice his profession in other Courts of the State, except in the Courts of McMinn County, so long as it does not interfere with his duties as Judge of the Court of General Sessions. Such Judge shall devote such time as is necessary for the performance of his duties and shall not give advice nor render any legal service in connection with any matter coming within the jurisdiction of his Court.

As amended by: Private Acts of 1949, Chapter 204
Private Acts of 1974, Chapter 270

COMPILER'S NOTE: See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

SECTION 11. That for the purpose of carrying out the provisions of this Act, Frank K. Boyd, of Athens, Tennessee, is hereby appointed Judge of the Court of General Sessions of McMinn County, Tennessee, to serve until September 1, 1948, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of said County at the election for other County officers on the first Thursday of August, 1948, and shall hold said office for the unexpired term of two years, and his successors shall be elected every eight years thereafter.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for other reason hold Court, a majority of the attorneys present in said Court may elect one of their number to hold said Court during the absence of the regular Judge, and when elected shall have the same power and authority as the regular Judge.

SECTION 13. That in case of a vacancy in the office of Judge of said Court, the Governor shall have the power to fill such vacancy by appointment of a person possessing the qualifications thereof, as prescribed in Section 9 of this Act, to serve until the next regular election for County officers.

SECTION 14. The Chancery Court for McMinn County is hereby designated probate court of McMinn County. The Clerk and Master for McMinn County is hereby granted all statutory powers when Chancery Court is exercising probate jurisdiction. Effective July 1, 2004, the books, records, accounts, papers and documents pertaining to probate matters shall be filed with the Clerk and Master who shall have and perform the statutory functions with respect to probate jurisdiction from that date forward.

The General Sessions Court shall retain probate jurisdiction over all probate matters pending in that court on June 30, 2004, until their conclusion.

As amended by: Private Acts of 1957, Chapter 46
Private Acts of 2004, Chapter 107

SECTION 15. That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall be authorized and empowered to serve all process issued by said Court with the same authority as provided by law in 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 said County to any unpaid fees, or funds or suit whether said cause is disposed of or pending when this Act becomes effective.

SECTION 17. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to the Court of General Sessions. The official dockets, records, and papers in possession of

Justices of the Peace in cases which have been completed shall be turned over to said County, as provided by law.

SECTION 18. That said Court shall hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

SECTION 19. That there is conferred upon this Court original, exclusive jurisdiction of all cases coming within the terms of Part III, Title 8, Code of Tennessee of 1932, Sections 10269 through 10309, as amended, the subject of the title being "Juvenile Courts". The Judge of the Court of General Sessions shall perform all the duties and shall be vested with the jurisdiction, power and authority prescribed in said title. The Clerk of the Court of General Sessions shall perform the duties of Clerk of the Juvenile Court, and shall keep and maintain such dockets and records as are prescribed in said title.

SECTION 20. That there is conferred upon the Judge of the Court of General Sessions the power and authority to grant fiats for the issuance of injunctions, attachments and other extraordinary process, as that conferred upon Judges and Chancellors in this State.

SECTION 21. That the Legislature 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.

SECTION 22. That all Acts or parts of Acts in conflict with the provisions of this Act be, and the same are, hereby repealed.

SECTION 23. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1947.

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