



February 05, 2025

Private Acts of 1941 Chapter 91

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,

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Private Acts of 1941 Chapter 91

COMPILER'S NOTE: This Act was subsequently amended by Private Acts of 1949, Chapter 54, but the Act was not specific as to the placement of some of the amendments within the original Act. For this reason, the amending Act is also published in full herein.

SECTION 1. That there is hereby created and established a court in and for Warren County, Tennessee, which shall be designated Court of General Sessions of Warren County, Tennessee. Said County shall provide a court room at McMinnville, 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.

SECTION 2. That the Court of General Sessions 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; and the Justices of the Peace of said County are 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 no wise affected by this Act. Provided that Justices of the Peace are hereby authorized to issue all warrants and other papers.

In addition to the jurisdiction, powers and duties vested by this chapter or by any other law in the court of general sessions of Warren County, such court is hereby constituted as the juvenile court of Warren County and all of the jurisdiction, powers and duties vested by law in juvenile courts is hereby vested in the general sessions court of Warren County. All of the juvenile jurisdiction heretofore possessed and exercised by the Warren County Court and the county judge of Warren County is hereby divested from such court and the judge thereof and is vested in the court of general sessions.

As amended by: Private Acts of 1943, Chapter 253
Private Acts of 1974, Chapter 210

SECTION 3. That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleading and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be same as of Justices of the Peace, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of \$50.00, exclusive of interest and cost; however, a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of the judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

SECTION 5. 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 other compensation of the Sheriff, his Deputies, Constables, Game Wardens and 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 6. 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 of process, and the return of the process, in brief form, action of the court on the case, both interlocutory and final orders, judgments, ex-executions [sic], 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, et cetera, 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.

SECTION 7. That there shall be one Judge of the said Court of General Sessions of Warren County, Tennessee, who shall be a person licensed to practice law in the State of Tennessee, having been admitted to practice in a Court of Record of the State not less than five years prior to September 1, 1950, and actively engaged in the practice of law at the time of his election, and with all other qualifications and term of office as provided by the Constitution of the State of Tennessee, for inferior Courts, and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

As amended by: Private Acts of 1949, Chapter 54

SECTION 8. That the compensation of each of said Judges shall be fifteen thousand dollars (\$15,000.00) per annum, payable in equal monthly installments on the first day of each month, out of the ordinary

funds of the county. Said Judge may practice his profession in the other courts of the State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided, further, however, he shall not give advice nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

As amended by:

Private Acts of 1945, Chapter 126
Private Acts of 1947, Chapter 173
Private Acts of 1949, Chapter 54
Private Acts of 1974, Chapter 210

SECTION 9. That for the purpose of carrying out the provisions of this Act, W. G. McDonough is hereby appointed Judge of the Court of General Sessions for Warren County, Tennessee, to serve until the regular election in August, 1942, and until his successor has been elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942.

His successor shall be elected every two years at such election for the term provided by law for judges of inferior Courts.

SECTION 10. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, 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.

SECTION 11. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 12. That the Clerk of the Circuit and Criminal Courts of said County 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 Warren County." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County. The Clerk of said Court shall receive as compensation for his services the sum of Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, on the first of each month, out of the ordinary funds of said County, which shall be in addition to the fees and compensation now allowed by law, and shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions.

As amended by:

Private Acts of 1945, Chapter 379
Private Acts of 1949, Chapter 548

Provided further, that the books and records of the Clerk of the Court of General Sessions of Warren County shall be audited by the County Audit Commission quarterly and a detailed report made to the County Court at such quarterly session of said County Court.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law required shall be issued only by a judicial officer. The clerk of the circuit and criminal courts of Warren County shall also act as clerk of the juvenile court and shall perform all of the powers and functions in regard to such court as are now vested by law in the county court clerk regarding juvenile matters.

As amended by:

Private Acts of 1974, Chapter 210

SECTION 13. 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 the other inferior Courts.

SECTION 14. 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 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 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 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 said County, as provided by law.

SECTION 16. That said Court shall have authority to 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 17. That the Judge of the Court of General Sessions of Warren County is hereby given inquisitorial powers in all misdemeanor cases and shall have the authority to go into the facts of all cases brought before him and upon investigation thereof, if, in his opinion, the facts are not sufficient to convict, he shall have the authority to dispose of the same.

SECTION 18. That the Legislature expressly declares that each section, sub-section, 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 19. That all laws or parts of laws in conflict with the provisions of this Act be and they hereby are repealed.

SECTION 20. That this Act shall take effect immediately after its passage, the public welfare requiring it.

Passed: January 27, 1941

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