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# Private Acts of 1921 Chapter 579

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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 1921 Chapter 579

**SECTION 1.** That there be, and there is hereby created, the office of County Judge, in all Counties in this State, including Grundy County, having a population of more than nine thousand, seven hundred and fifty, but less than nine thousand, seven hundred and fifty-five, according to the Federal Census of 1920, or that may have such population by any subsequent Federal Census.

**SECTION 2.** That no person shall be eligible to fill the office of County Judge in such Counties, unless he be a bona fide resident of such County, and shall have resided in such County at least two years immediately before his election, and he shall be learned in the law, and thirty, or more years of age.

As amended by: Private Acts of 1923, Chapter 645

**SECTION 3.** That the Governor appoint and commission a County Judge for said County until September 1, 1922.

**SECTION 4.** That the General County Election in August, 1922, and at the same time and place, and by the same election officers, there shall be elected by the qualified voters of Grundy County a County Judge, who shall assume and take office on the first Monday in September, 1922, and he, together with his successors, shall hold office for a term of four years, and until his successor is elected and qualified, and in case of a vacancy in said office of County Judge, by death, sickness, or other inability, the office shall be filled, or supplied in the same mode and manner, as provided for other Judges of the State in like cases.

**SECTION 5.** That said County Judge shall hold and preside over all the County Courts of said County and he is hereby clothed with all the powers, authority, and jurisdiction now possessed and exercised by the Chairman of the County Court of said County, and in addition to the powers and authority therein specifically conferred on said County Judge.

**SECTION 6.** That the County Courts shall have its sessions as the same time as now provided by law, and the Clerk of the County Court shall continue to be the Clerk of said Court, with all the duties and powers now, or hereafter to be fixed by law.

**SECTION 7.** That the Governor shall commission all county Judges selected under this Act, in the same manner as other Judges of this State are commissioned.

**SECTION 8.** That the County Judges of said County, before entering upon the discharge of their duties, and before being commissioned as such, shall take and subscribe to the same oath as now required by law of the Circuit Judges of this State, and shall give bond with good and solvent surety, to be approved by the Circuit Judge of such County in the penalty of two thousand dollars, payable to the State of Tennessee, and conditioned for the faithful discharge of all his duties, and as financial agent and accounting officer of the County, which oath and bond shall be filed in the office of the County Court Clerk, and spread of record on the minutes of the Court.

**SECTION 9.** That the County Judge of said County be, and is hereby required, between January first, and April the first of each and every year, to make a complete examination and audit of the books and account of every county officer in said County pertaining in any way to their respective offices, including the office of the County Court Clerk, Circuit Court Clerk, Clerk and Master, Registrar, Trustee, Superintendent of Public Instruction for the County, Sheriff, Justices of the Peace and Road Commissioners, and Road Overseers and all other officials, said audit to cover the preceding year, and to effectually accomplish said examinations and audits, said County Judge is hereby given the authority to examine all records of any and all of said offices at any time he may demand, and may require any such officer, or officers by subpoena to appear before him and produce any record pertaining to any office and also examine any such officer on oath touching the conduct of his office, and the records therein, and any such officer failing to obey any such summons, or to produce his books on demand of the County Judge, shall be guilty of contempt of Court, and may be punished accordingly.

**SECTION 10.** That said Judge of the County Court shall make a written report of his audit and the condition of every County office in said County on or before the first Monday in April of each year; said report, to be made to the whole Quarterly Court, and then spread upon the minutes of the Court, and in event it appears that there has been any defalcation, misfeasance, or nonfeasance in any office, said County Judge shall immediately report that fact to the prosecuting attorney general for the District in which said County is located.

**SECTION 11.** That said County Judge shall not be precluded from practicing law, except in his own Court and cases appealed from his Court.

**SECTION 12.** That the County Judge shall have the custody of all books, papers and documents pertaining to his office, and the fiscal affairs of the County, and he shall cause to be entered in a

well-bound book to be called the "warrant book" all warrants in the order in which they are issued, giving the number, date, amount, for what purpose and to whom issued, and no money shall be drawn from the County Treasury except on warrant signed by the County Judge and countersigned by the County Court Clerk and no warrant shall be signed or approved by the County Judge in payment of any account against any fund in said Treasury unless fully itemized and sworn to by the claimant, and in case of accounts against the road funds of the County, said itemized statement shall show who did the work, or furnished the material, when and upon what road, and by whose authority, and then approved by the Commissioner of the road district where the labor was performed, or material furnished.

**SECTION 13.** That the County Judge of said County shall have the power and authority to grant fiats for writs of injunction, and attachments or certiorari and supersedeas, appoint receivers and issue all other extraordinary writs, or authorize their issuance, the same as Chancellors and Circuit Judges of this State have and possess, and also to hear and determine cases on writs of habeas corpus.

**SECTION 14.** That the said County Judge shall receive a salary of one thousand dollars per annum, payable quarterly out of the general county fund.

**SECTION 15.** That in event any section, or other portion of this bill should for any reason be declared unconstitutional, such decision by the Courts, shall in no way effect the remaining part and the operation of same.

**SECTION 16.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed and that this Act take effect from and after January first 1922, the public welfare requiring it.

Passed: March 31, 1921.

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