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Acts of 1901 Chapter 311

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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Acts of 1901 Chapter 311

SECTION 1. That there shall be elected by the qualified voters of Lawrence County, Tennessee, a person learned in the law, to be styled the County Judge, who shall hold his office for the term of four years from the date of his election and qualifying for said office, except the present Judge, who shall finish out his regular term for which he was elected, or until his successor shall be elected and qualified, it being the intent and purpose not to change the term of office of the incumbent.

As amended by: Private Acts of 1977, Chapter 158

SECTION 2. That the first election for the County Judge shall be held at the same time and place and by the same officers that the other county elections are held, the first Thursday in August, 1902, and under the same rules and regulations that are prescribed by law for other county elections, and subsequent elections, except vacancies, which shall be filled when they occur in the same manner prescribed by law for Circuit Judges, on the first Thursday in August every eight years thereafter, and in case of sickness, incompetency or inability of the County Judge, a special Judge may be elected under the same provisions and with the same powers of said County Judge, in the same manner as prescribed by Section 5730, Shannon's Compilations of the Laws of Tennessee. (Now T.C.A. 17-2-118)

SECTION 3. Each and every executive, administrative and other nonjudicial duty, function, authority and responsibility vested in the office of County Judge of Lawrence County, Tennessee, including service as presiding officer of the Quarterly Court of said County, shall continue to be vested in the said officer and office, and the incumbent in the said office shall continue to bear the title of County Judge of said County, it being the legislative intent that the County Judge of Lawrence County as of August 1, 1977, be and constitute exclusively an executive and administrative office and not a judicial officer and office.

As amended by: Private Acts of 1977, Chapter 158

SECTION 4. There is hereby transferred all the judicial duties formerly vested with the County Judge of Lawrence County to the General Sessions Court of Lawrence County created by Chapter 55 of the Private Acts of 1943, and such General Session Court shall assume all the judicial functions formerly exercised by the County Judge of Lawrence County beginning on August 1, 1977, including but not limited to all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 37, Chapter 2, upon the County Judge of chairman of the County Court as a juvenile Court, and all of the jurisdiction and authority conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the County Judge or chairman of the County Court as a judicial officer in probate.

As amended by: Private Acts of 1977, Chapter 158

SECTION 5. With respect to the judicial jurisdiction transferred from the County Judge to the Court of General Sessions, the books, records, accounts, papers and documents pertaining to such judicial matters formerly under the jurisdiction of the County Judge shall remain in the custody and shall be the responsibility of the County Court Clerk and such clerk shall continue to have and perform the clerical functions with respect to such judicial matters. Provided, however, that effective July 1, 2004, the books, records, accounts, papers and documents pertaining to juvenile matters that have been in the custody of the County Clerk shall be transferred to the Circuit Court Clerk who shall have and perform the clerical functions with respect to juvenile court from that date forward; and provided further, that effective July 1, 2004, the books, records, accounts, papers and documents pertaining to probate matters that have been in the custody of the County Clerk shall be transferred to the Clerk and Master of the Chancery Court who shall have and perform the clerical functions with respect to probate court from that date forward.

As amended by: Private Acts of 1977, Chapter 158

Private Acts of 2004, Chapter 134.

SECTION 6. That said County Judge of Lawrence County shall be the accounting officer and agent for said county, and as such shall have the power, and it shall be his duty -

1. To have care and custody of all county property.
2. To control all books, papers and documents pertaining to his office and the county.
3. To audit all claims against the county, and when approved by him, he shall certify the same to the Clerk of the County Court who shall issue a warrant therefor on the county treasury, and signed by the County Court Clerk.
4. The County Judge shall countersign all warrants issued by the County Court Clerk upon the county treasury, and no warrant shall be a valid claim against the county unless signed by the County Court Clerk and countersigned by the County Judge.
5. To audit and settle the accounts of the County Trustee and those of any other collector of revenues, taxes or income payable into the county treasury, and those of any other person intrusted to receive and expend any money of the county and to require said officers or persons to render and

settle their accounts as required by law or the authority under which they may act.

6. To cause to be entered by the County Court Clerk in a well bound book, to be known as a warrant book, in the order of issuance the number, date and amount and name of the drawee of each warrant drawn upon the county treasury.
7. The County Judge shall keep in a suitable and well bound book an account of the receipts and expenditures of the county in such a manner as will clearly show the assets of the county, and the debts payable to and by it, balancing said accounts annually and to exercise the general supervision over the financial concerns of the county.
8. No money shall be drawn out of the county treasury except upon a warrant issued by the County Court Clerk and countersigned by the Judge of the County Court.
9. The duties directed to be performed by the County Court Clerk in the administration of insolvent estates shall be as heretofore, except that which is judicial in its nature.
10. The County Judge of Lawrence County, from and after the first Monday in July, shall have jurisdiction of all litigation concerning county roads in Lawrence County, and questions in regard to the same.

SECTION 7. That from and after the first Monday in July, 1901, it shall be the duty of the County Court Clerk of said county to keep and preserve in well bound dockets all cases provided for in this bill, to be tried in said County Court, and to enter upon said dockets all suits showing the names of the plaintiffs and defendants, all motions and actions that may come before said County Judge for trial, and he shall also enter upon said docket a memorandum of all papers filed in each case pending in said Court, and no suit or action or motion before said Court shall be tried except it appears on said docket, and all suits and motions and actions shall be tried, continued or disposed of in the order in which they appear in said docket.

SECTION 8. That the County Judge shall not be precluded from practicing before the Supreme Court or Circuit Courts of this State, or the Chancery Court, but he shall not be permitted to act as counsel in any case going up from his own court.

SECTION 9. That whenever said County Judge is unable to attend his court from sickness or other cause, then the Governor shall have power to appoint some suitable person to hold said court until the disability of the regular Judge is removed.

SECTION 10. That the Quarterly County Court, composed of the Justices of the Peace of Lawrence County, shall meet on the second Mondays in January, April, July and October of each year and said County Judge shall preside over the same, and they shall have such jurisdiction as they now have by law, except such as is conferred by this Act on said County Judge.

As amended by: Private Acts of 1935, Chapter 757

SECTION 11. That the compensation of said County Judge shall be \$750 per annum, to be drawn by one upon the county treasury as in other cases herein provided for.

SECTION 12. That the said County Judge shall be commissioned in the same manner as other Judges of the State, and he shall be thirty years old, and a person learned in the law, and a resident of Lawrence County, and before entering upon the duties of his office he shall give bond in the sum of \$1,500, to be approved by the Judge of the Circuit Courts, for the faithful performance of the duties of his office, and he shall take an oath to support the Constitution of the United States and of the State of Tennessee, and to faithfully discharge the duties of his office.

SECTION 13. That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed in so far as they conflict, but not further or otherwise.

SECTION 14. That appeals from this Court shall be to the Supreme Court.

SECTION 15. That this Act take effect from and after the first Monday in July, 1901, the public welfare requiring it.

Passed: April 12, 1901.

Source URL: <https://www.ctas.tennessee.edu/private-acts/acts-1901-chapter-311>