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Private Acts of 1939 Chapter 220

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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SECTION 1. That the office of County Judge of Houston County be, and the same is hereby created and established in and for said County.

SECTION 2. That the term of office of said County Judge shall be eight years, and he shall receive a salary of six hundred dollars (\$600.00) per year, payable monthly out of the county funds of said county, upon warrants, drawn as hereinafter provided.

SECTION 3. That said County Judge shall be elected at the regular election to be held in said County in August, 1940; that he shall be commissioned in the same manner as other judges of the State, and, before entering upon the duties of his office, he shall take an oath to support the Constitution and the laws of the United States, and the Constitution and laws of the State of Tennessee, and faithfully to discharge the duties of his office; and he shall enter into bond in the sum of ten thousand dollars (\$10,000.00), conditioned faithfully to discharge the duties of his office and account for all monies and county property that shall come into his hands as such County Judge.

SECTION 4. That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said County, to serve from the time this Act becomes effective, until the regular election in August, 1940, and until his successor is elected and qualified. Said County Judge shall enter upon the discharge of his duties immediately upon his appointment by the Governor and upon taking said oath and executing said bond as above required. At the regular general election for county officers to be held in August, 1940, a County Judge shall be elected to fill said office until the general election in August, 1942, or until his successor is elected and qualified.

SECTION 5. That said County Judge shall be a resident citizen of Houston County, who, before his election, shall have been a resident citizen of the State of Tennessee for five years. He shall not be required to be a licensed lawyer.

SECTION 6. That said County Judge shall have and exercise all the powers and jurisdiction heretofore vested in the Chairman of the County Court of said County, and shall perform all of the duties heretofore performed by said Chairman. Said County Judge 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 the care and custody of all county property.
2. To control all books, papers, documents, and records pertaining to his office and to the fiscal affairs of the County.
3. To audit all claims of whatever character 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, to be signed by the County Court Clerk and countersigned by said County Judge. This provision shall not interfere with or abridge the power or jurisdiction of the Quarterly Court to determine what claims against the county shall be paid, which under the existing law, are required to be approved by said Quarterly Court.
4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk, upon the County Treasury, and no warrant shall be paid that is not so countersigned.
5. Said County Judge shall audit and settle the accounts of the County Trustee and those of all other officers collecting or receiving county revenue, and all officers and other persons interested with receiving or expending any money of the County.
6. He shall cause all warrants to be entered in a well-bound book, to be kept by the Clerk of the County Court, to be known as the "Warrant Book"; and all warrants shall be entered in the order in which they are issued, giving the number, date and amount, and for what purpose and to whom given.

SECTION 7. That said County Judge shall have the power and authority to grant fiats, or writs of attachment or injunction, certiorari and supersedeas and all other extraordinary writs that the Chancellor and Circuit Judges of this State have the power to grant, and also to hear and determine cases of writs of Habeas Corpus and in proper cases to appoint receivers, and he shall have concurrent jurisdiction with the Chancery Court to allow guardians to encroach upon the corpus of the estates of their wards, the same as may be done under the orders and decrees of the Chancery Courts of Tennessee, and to approve previous expenditures out of the corpus of the estates by the guardians and to allow credits for settlements in said matters in the same manner, and to the same extent as Chancery Courts may do. Said County Judge shall have all the powers, duties and jurisdiction of a Justice of the Peace, except a vote as such in the Quarterly Court of said County.

SECTION 8. That the County Court to be held by the County Judge, under the provisions of this Act, shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the power to preserve order, and impose and collect fines and imprisonment for contempt as other Judges in Tennessee.

SECTION 9. That the Quarterly County Court of Houston County, composed of the Justices of the Peace of said county, shall meet as heretofore, on the first Mondays in January, April, July, and October, of each year; that said County Judge shall preside over the same, and that they shall have such jurisdiction as heretofore vested in them by law.

SECTION 10. That the duties of said County Judge, shall not interfere with the duties of the County Court Clerk of said County, as now provided by law; that said Clerk shall be and continue to be Clerk of said Court to be held by said County Judge, under the provisions of this Act; that he shall have all the power heretofore vested in him by law and shall perform all of the duties heretofore performed.

SECTION 11. That said County Judge, if an Attorney, shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Houston County, and in cases appealed from his decision.

SECTION 12. That said County Judge shall have all the powers, duties and jurisdiction conferred upon County Judges and Chairman by the general laws of Tennessee, except insofar as same may be inconsistent with the provisions of this Act.

SECTION 13. That whenever said County Judge is unable from sickness or other causes to attend and hold his Court, then the Governor shall appoint some suitable person to hold said Court until the disability is removed. Said appointment to be made by the Governor upon certificate of said County Judge, stating that he is unable to attend or hold his court; that in case of a vacancy in said office of County Judge, by reason of death, resignation or other cause, the vacancy shall be filled by appointment of the Governor, said appointee to hold said office until the next regular county election, and until his successor is elected and qualified.

SECTION 14. That said County Judge shall have the power to solemnize the rites of matrimony.

SECTION 15. That all laws or parts of laws affecting Houston County, in conflict with this Act, be and the same hereby are repealed.

SECTION 16. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 17. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1939.

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