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# Court of Common Pleas

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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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# Court of Common Pleas

## Private Acts of 1973 Chapter 145

**SECTION 1.** That there is hereby created a court, effective September 1, 1973, for Clay County, Tennessee, having the powers and jurisdictions hereinafter set forth, coextensive with the boundary lines of said county, and to be known as the Court of Common Pleas of Clay County, Tennessee.

**SECTION 2.** That the Judge of the General Sessions Court of Clay County, Tennessee, upon his being elected and qualified as Judge of the General Sessions Court shall also be Judge of the Court of Common Pleas of Clay County, Tennessee, and the present General Sessions Judge of Clay County, Tennessee, shall be and is hereby designated to serve as such Judge of the Court of Common Pleas until his successor is duly elected and qualified under the terms and provisions of this Act.

**SECTION 3.** That the terms of the Court of Common Pleas of Clay County shall be monthly, commencing on the First Monday of each calendar month, and the procedure shall conform to the Rules of Civil Procedure applicable to the Circuit and Chancery Courts.

**SECTION 4.** That the Court of Common Pleas of Clay County, Tennessee, shall have concurrent jurisdiction with the Circuit Court and Chancery Court in said county in workmen's compensation, divorce and Habeas Corpus cases, and those powers specifically conferred by Section 23-1201 of the Tennessee Code Annotated. In addition to the powers and duties set out above for such Judge of the Court of Common Pleas, he may sit by interchange with the Circuit and Criminal Judges and the Chancellor, and they with him, in such county.

**SECTION 5.** That the Court of Common Pleas of Clay County shall be a court of record and the same records shall be kept and preserved as is required by law for Circuit and Chancery Courts.

**SECTION 6.** That the Circuit County Clerk of Clay County shall be the Clerk of the Court of Common Pleas, and all fees received by him as Clerk of the Court of Common Pleas shall continue to be a part of the fees of his office.

**SECTION 7.** That said Judge shall receive for his duties as Judge of the Court of Common Pleas a salary of Four Thousand Dollars (\$4,000.00) per annum, payable monthly from the county treasury like other county officials are paid, from and after the effective date of this Act, in addition to the salary received by him for his services as General Sessions Judge.

**SECTION 8.** That the Judge of the Court of Common Pleas of Clay County shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors.

As amended by: Private Acts of 1984, Chapter 212

**SECTION 9.** That the provisions of this Act shall be severable and if any of the provisions shall be held to be unconstitutional the decision of the Court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this Act that it would have been adopted by the General Assembly had such constitutional provisions not been included therein.

**SECTION 10.** That this Act shall be void and of no effect unless the same shall be approved by a two-thirds (2/3) vote of the Quarterly Court of Clay County on or before September 1, 1973. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

**SECTION 11.** That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on September 1, 1973, the public welfare requiring it.

Passed: May 3, 1973.

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