



November 19, 2024

County Legislative Body

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 1939 Chapter 245

COMPILER'S NOTE: This act has been largely if not entirely superseded by general law and the 1978 constitutional amendments.

SECTION 1. That, in all counties of this state having a population of not less than 17,350, nor more than 17,365, under the Federal Census of 1930, or any subsequent Federal Census, the County of Crockett in the State of Tennessee falling within this class, in which counties the office of Chairman of the County Court has heretofore been abolished by Chapter 609 of the Private Acts of the General Assembly of the State of Tennessee for the year 1927, be and the same is hereby restored and created. The Quarterly County Court of each and all of said counties is hereby empowered and required, at its next regular session after the passage of this Act, to elect one of its number as Chairman of the said Court, who shall hold his office until the first Monday in January, 1940, at which time said Quarterly County Court shall elect his successor, and annually thereafter as provided by law, to hold said office for a period of one year and/or until his successor is elected and qualified and the Quarterly County Court of such counties is empowered to fix the compensation of said chairman or his successor at the term of the said court as now provided by law in all counties having such office of Chairman of the County Court. The term of the Chairman of the Crockett County Quarterly Court shall be two (2) years from the date of his election. Provided, however, nothing in this Act shall be construed as extending the term of the present Chairman of the Crockett County Quarterly Court. The term of the Chairman pro tem of the Crockett County Quarterly Court shall be two (2) years from the date of his election.

As amended by: Private Acts of 1978, Chapter 264

SECTION 2. That R. F. Tanner, now a member of the Quarterly County Court of said county, and a citizen and resident of the said County and having all of the necessary qualifications provided by law for holding said office, be and he is hereby named and appointed to act as and perform the duties as Chairman of the said County Court until the next regular session of the said Court after the passage of this Act, at which time the said Court is empowered and directed to elect a regular Chairman of said Court, who shall serve as such until the first Monday in January, 1940, at which time his successor shall be elected as provided by law applicable to all counties of the state now having the office of Chairman of the County Court of such county. Before he or his successor shall perform the duties of the said office, he shall enter into bond in the sum of One Thousand Dollars, with two good and solvent sureties, and conditioned as required by general law in such cases, and take and subscribe to the oath of office required by law for the Chairman of the County Court as set out in Section 1822 of the Code of 1932, before the Clerk of said Court, which oath and bond are to be approved by said Clerk and filed by him and kept as a part of the records of the said court, and shall do and perform any and all of the acts made necessary by law for the qualification as Chairman of the County Court of the several counties of the state having such office.

SECTION 3. That the party hereby appointed to said office as temporary Chairman, and each and all of his successors elected by the Quarterly County Court of such county shall have and they are hereby invested with all the powers, obligations, duties and jurisdiction, of which the Chairman of the said Court of the said County was deprived by Chapter 609 of the said Private Acts of the General Assembly of the State of Tennessee for the year 1927, and any and all powers, rights, duties, and jurisdiction now held and exercised by Chairman of the County Court under existing law in the state of Tennessee, save and except those powers, duties and jurisdiction given and reserved to the Judge of the County Court of Crockett County, Tennessee expressly or by necessary implication, by Chapter 609 of the said Private Acts of 1927, as amended by any and all subsequent and existing acts.

SECTION 4. That the purpose of this Act is to recreate and restore to the counties to which it is applicable, the office of Chairman of the County Court and to invest the said Chairman with all the powers, rights, jurisdiction, and duties devolving by general law upon the several Chairmen of the County Courts of the State, save and except those powers, duties, rights, and jurisdiction given by said Chapter 609 of the Private Acts of 1927, to the Judge of the County Court named in said Act, as the same had been and is now amended by subsequent existing acts pertaining to said office, and it is not intended to interfere with the rights, powers, jurisdiction and duties of said County Judge, or the tenure or salary of his office, except to the extent that the same have been limited by said subsequent acts; and it is the further purpose of this Act to have in the counties to which this Act applies, both a County Judge, and a Chairman of the County Court, with distinct and separate duties, powers, rights, and jurisdiction belonging to each, and not in conflict one with the other.

In the event the chairman of the county court is absent from the county or is incapacitated due to illness

or otherwise or in the event of death, the chairman pro tempore, elected by the county court in accordance with the general law, shall succeed to all the powers of the county chairman. Such succession shall last until the chairman has returned to the county or is otherwise able to assume his duty or until his successor is duly elected, in the event of his death. The powers assumed by the chairman by general law or private act and specifically includes the power to draw, without seal, all warrants upon the county treasury.

As amended by: Private Acts of 1977, Chapter 85

SECTION 5. That, if any part, clause, phrase, sentence, paragraph, section, or provision of this Act be held by a court of competent jurisdiction to be unconstitutional and invalid that shall not affect the remaining part of the Act, it being hereby declared that the Legislature would have passed this Act, without the said part so held to be invalid.

SECTION 6. That all laws and parts of law (sic) in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 14, 1939.

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