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# Private Acts of 1935 Chapter 214

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Private Acts of 1935 Chapter 214

**SECTION 1.** That the office of County Judge of Cumberland County, Tennessee, be, and the same is, hereby created and established in said County.

**SECTION 2.** That the term of office of said County Judge shall be eight years, and he shall receive a salary of Eighteen Hundred (\$1,800.00) Dollars per year, payable monthly out of the County funds of said County upon warrants drawn as hereinafter provided, except the County Judge selected and appointed by this Act, whose term of office shall be from the passage of this Act until the next regular election to be held in August, 1936, or until his successor is elected and qualified.

**SECTION 3.** That R. A. Powel of Cumberland County, Tennessee, is hereby selected and appointed to fill the office of County Judge for said County of Cumberland from the date this Act takes effect until the next regular election held on the first Thursday in August, 1936, and until his successor is elected and qualified, to be commissioned in the same manner as other judges of this State; and before entering upon the duties of his office, he must take oath and execute bond as hereinafter provided.

**SECTION 4.** That the first election of County Judge for Cumberland County, shall be held at the same time and place, and by the same officers that other County elections are held, on the first Thursday in August, 1936; and under the same rules and regulations that are prescribed by law for other County elections; that his term of office shall be computed from the first day of September next succeeding his election; and that he shall fill the office of County Judge for said County of Cumberland from that date until the election and qualification of his successor; that the next or second election of County Judge for Cumberland County, Tennessee, shall be held at the next regular election for judicial officers to be held on the first Thursday in August, 1942; and that the election of a County Judge of said County shall be held on the first Thursday in August, every eight years thereafter, all of said terms of office to be computed from the first day of September next succeeding the election as herein provided for. In case of incompetency, sickness 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 9919 of the Official Code of Tennessee of 1932. In the case of vacancy by death, resignation, or otherwise, the Governor is hereby empowered and authorized to appoint a successor to serve until the next General Election and until his successor is elected and qualified.

**SECTION 5.** That the County Judge of said County shall be commissioned in the same manner as other Judges of the State of Tennessee, and before entering upon the duties of his office shall take an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of Tennessee, and to faithfully discharge the duties of his office; he shall also enter into a bond in the sum of Ten Thousand Dollars (\$10,000.00), conditioned to faithfully discharge the duties of his office and to account for all moneys and County property that shall come into his hands as such County Judge.

**SECTION 6.** That the offices of the Chairman of the County Court and the Chairman pro tem. of the County Court of Cumberland County is hereby abolished from and after the date this Act becomes effective, and from and after that date the said County Judge shall have and exercise all the jurisdiction and powers of said offices. He shall preside at its sessions to be held as hereinafter provided, and shall have and exercise the same powers, jurisdiction, and authority now exercised by the Chairman in or out of said County Court, whether in session or not, except as herein provided.

**SECTION 7.** That the duties of the County Judge of the County Court of Cumberland shall not interfere with the duties of the County Court Clerk of said County as now provided by law; the said Clerk shall be and continue the Clerk of said County Court, to be held by the County Judge under the provisions of this Act, and shall have and perform all the powers, jurisdiction and authority incident to the office of the County Court Clerk.

**SECTION 8.** That the said County Judge holding said County Court shall have concurrent jurisdiction with Circuit and Chancery Courts of this State:

1. To enforce liens retained on lands by vendors where the amount of the lien does not exceed the sum on One Thousand (\$1,000.00) Dollars.
2. To allow guardians to trench and encroach upon the corpus of the estates of their wards, the same as may be done under orders and decrees of the Chancery Courts of this State, and to approve previous expenditures out of the corpus of such estates by the guardians and to allow for settlements in said matters in the same manner and to the same extent as Chancery Courts may do, where the amount involved does not exceed the sum of One Thousand (\$1,000.00) Dollars.
3. To allow any widow who is executrix of the estate of her deceased husband's estate under and by virtue of appointment of the County Court of Cumberland County, Tennessee, when she has no

sufficient income of her own to expend not in excess of \$500.00 of any amount in her hands to which any minor child may be entitled as distributee of the estate of her deceased husband, for the education, support or maintenance of any such minor child residing with her; and to allow and approve any and all such expenditures heretofore made charging any minor child in excess of \$500.00, and allowing such administratrix credit therefor in her settlement of the estate of her deceased husband, it being the purpose of this section to avoid the expenses incident to guardianships.

4. To release testamentary and other trustees, and to appoint trustees in place of those released or dead, and also to decree, on petitions of trustees, by will or otherwise, for the sale of property, real or personal, where the value of the property to be sold does not exceed the sum of One Thousand (\$1,000.00) Dollars.

5. To consent to and decree a sale of the property, real or personal, of persons laboring under the disability of infancy where the value of the property to be sold does not exceed the sum of One Thousand (\$1,000.00) Dollars.

6. To remove the disability of infancy of minors residing within said County of Cumberland.

7. To hear and determine all Habeas Corpus proceedings.

**SECTION 9.** That the rules of law and procedure made and provided for the Chancery and Circuit Courts applicable to the jurisdiction of the County Court in the matters and things set out in Section 8 hereof, of which the County Court is expressly given concurrent jurisdiction, shall be applicable to said County Court and shall govern the procedure therein and shall be followed by said Court as nearly as practicable.

**SECTION 10.** That from and after the date this Act becomes effective, it shall be the duty of the County Court Clerk of said County to keep and preserve in a well-bound docket 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, motions and actions shall be tried, continued, or disposed of in the order in which they appear in said docket.

**SECTION 11.** That the County Court of said County, to be held by said County Judge, shall be deemed always open for transaction of any business and the exercise of any jurisdiction conferred upon said County Judge or upon the monthly Courts held by him under existing laws; and that all process will be returnable to the first Monday coming five or more days after the service of such process. Said County Judge shall have the same power to preserve order and impose fines and imprisonments for contempt as other Judges in Tennessee.

**SECTION 12.** That appeals from the County Court in all cases in which said Court has concurrent jurisdiction with the Chancery and Circuit Courts of this State shall be to the Court of Appeals and the Supreme Court of this State in accordance with the rules and regulations of said Appellate Courts and the law as in other such cases made and provided.

**SECTION 13.** That said County Judge shall have the power, right and authority to solemnize the rites of matrimony.

**SECTION 14.** That said County Judge shall have the authority to employ special Counsel to represent the County in the persecution or defense of any claims or actions for or against the County at such price as may be agreed upon by and between said County Judge and the Attorney so employed, and pay for, same out of the County funds upon warrants issued as aforesaid.

**SECTION 15.** That said County Judge shall be thirty years of age, and shall be a resident of Cumberland County, Tennessee, for at least one year before his election or appointment.

As amended by: Private Acts of 1974, Chapter 227

**SECTION 16.** 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 with this Act, but not further or otherwise.

**SECTION 17.** That if any section, subsection, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional and void, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.

**SECTION 18.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 25, 1935.

**COMPILER'S NOTE:** The office of County Executive acquired the non-judicial duties of the County Judge as a result of the 1977 amendments to Article VII, Section 1 of the Tennessee Constitution and the implementing legislation, Chapter 934 of the Public Acts of 1978, which established the office of County Executive and abolished the office of County Judge.

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