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Acts of 1901 Chapter 404

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 404

SECTION 1. That there shall be elected by the qualified voters of Dickson County, Tennessee, a person learned in the law to be styled the County Judge, who shall hold his office for the term of eight years from the date of his commission, except to the first Judge to be appointed under the provisions of this Act, who shall hold his office until the next regular election, or until his successor shall be elected and qualified.

SECTION 2. That it shall be the duty of the Governor of the State of Tennessee to appoint a person learned in the law, and competent to hold the office of the County Judge of said county from the first Monday in January, 1902, to the first Monday in September, 1902, and until his successor is elected and qualified under the provisions of this Act.

SECTION 3. That the first election for the County Judge of Dickson County shall be held at the same time and place, and by the same officers that the other county officers are held, on 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 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 power of said County Judge, in the same manner as prescribed by Section 5730 of Shannon's compilation of the laws of Tennessee.

SECTION 4. That the office of the Chairman of the County Court and the Chairman pro tem of the County Court of Dickson County, is abolished from and after the first Monday in January, 1902, and from and after that date, the said County Judge shall have and exercise all the power and jurisdiction 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 of said County Court, and perform the same duties required of said Chairman in or out of said County Court, whether in session or not, except as herein provided.

SECTION 5. That the County Court to be held by the County Judge under the provisions of this Act, shall hold its regular sessions on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and shall have power to preserve order by imposing such fines as will effect that purpose.

SECTION 6. That all jurisdiction and powers of the present County Court of Dickson County, Tennessee, over administrators, executors, guardians, wards, trustees, wills, dowers, partition of lands, sale or division of lands, and of all testamentary and administrative matters, or subjects connected therewith, questions of lunacy, control of county roads, are hereby abolished from and after the first Monday in January, 1902, and the same from and after that date are hereby transferred and given to the County Court to be held by the County Judge, who shall have all jurisdiction, power and authority now possessed by the County Court of Dickson County over all the subjects, with such power and authority, necessary and proper in the exercise thereof; Provided, either party may have the right of appeal from any judgment, order, decree, or action of said County Judge as is now allowed by the laws of the State in other cases.

SECTION 7. That the duties of the County Judge of Dickson 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, and shall have and perform all the powers, jurisdiction and authority incident to the office of County Court Clerk.

SECTION 8. That said County Judge for Dickson 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 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 county revenue, 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 officer and person to render and settle

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

(6) To cause to be entered in a well bound book, to be kept by the Clerk of the County Court, said book to be known as the warrant book, in the order in which they were issued, giving the number, date, and amount, and for what purpose, and to whom given.

(7) The County Judge shall keep in a well bound book an account of the receipts and disbursements of the county in such manner as will show clearly and assets of the county and the debts payable to it and by it, balancing said account annually, and to exercise general supervision over the financial concern 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 County Judge.

(9) All duties 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 shall have jurisdiction of all litigation concerning the public roads of said county and all questions in regard to the same.

SECTION 9. That it shall be the duty of the Clerk of said County Court to keep and preserve in well bound dockets all cases provided for in this bill and coming before the County Court of Dickson County of trial; and to enter upon said dockets all suits, showing the names of the plaintiff and the defendant, all motions and actions that may come before said County Judge for trial. No suit or action or motion shall be proceeded with until the same is placed upon the docket, and all suits, motions, and actions shall be tried, continued or disposed of in the order in which they appear upon the docket.

SECTION 10. That the County Judge of Dickson County shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Dickson County; neither shall he be allowed to act as counsel or attorney in any case going up from his own Court.

SECTION 11. That whenever the County Judge is unable to attend his court from sickness or otherwise, then the Governor shall have the power to appoint some suitable person to hold said Court until the disability of the regular Judge is removed.

SECTION 12. That the quarterly County Court of Dickson County, composed of the Justices of the Peace of Dickson County, shall meet as heretofore on the first 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 as is conferred by this Act on said County Judge.

SECTION 13. That the County Judge of Dickson County 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 Dickson County, and before entering upon the duties of the office he shall enter into bond in the sum of \$2,000, to be approved by the Judge of the Circuit Court, for the faithful performance of the duties of the office, and he shall take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee, and to faithfully discharge the duties of this office.

SECTION 14. That all the 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 15. (Repealed by Acts of 1905, Chapter 92)

SECTION 16. (amended by Private Acts of 1911, Chapter 90; Private Acts of 1917, Chapter 634 repealed Private Acts of 1911, Chapter 90; Private Acts of 1919, Chapter 13; Section replaced by Private Acts of 1939, Chapter 224)

SECTION 17. That this Act take effect from and after the first Monday in January, 1902, the public welfare requiring it.

Passed: March 14, 1901.

COMPILER'S NOTE: The office of County Executive acquired most of the non-judicial duties of the County Judge as a result of the 1977 Amendments to the Tennessee Constitution and the implementing legislation, Chapter 934 of the Public Acts of 1978, which created the office of County Executive and abolished the office of County Judge.

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