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# Law and Equity Court

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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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# Law and Equity Court

## Public Acts of 1972 Chapter 863

**COMPILER'S NOTE:** Some provisions of this act may have been superseded by Title 16, Chapter 11 of Tennessee Code Annotated.

**SECTION 1.** There is hereby created the Law and Equity Court for Dyer County, Tennessee, the jurisdiction of which shall be co-extensive with Dyer County.

**SECTION 2.** The Law and Equity Court for Dyer County shall have concurrent jurisdiction with the Chancery Court of Dyer County and the Circuit Court of Dyer County, and said Court and the Judge thereof shall be vested with all the common law and statutory powers of the Chancery Courts, and the Circuit and Law Courts, and the judges thereof.

**SECTION 3.** Any and all suits, causes of action, and proceedings within the jurisdiction of the Chancery Courts and/or the Circuit and Law Courts of Dyer County may be instituted in, heard by, and determined by the Law and Equity Court in the same manner and according to the same rules of procedure as in the Chancery Courts, Circuit and Law Courts. All laws now in force or hereafter enacted applicable to the Chancery Courts or Circuit or Law Courts of Dyer County shall be likewise applicable to the Law and Equity Court. All cases pending in the Common Law and Chancery Court, at this time this Court is instituted, will be transferred to this Court for final disposition.

**SECTION 4.** The Judge of said court shall have the same qualifications and shall receive the same salary and other emoluments of office as provided for chancellors and circuit judges by statute; and he shall take and subscribe to the same oath as provided for chancellors and circuit judges, and he is hereby authorized to sit by interchange with the judges of any Chancery or Circuit or Law Court or other Courts when requested to do so by said Judges.

**SECTION 5.** The Judge of the Common Law and Chancery Court of Dyer County, Tennessee shall be and become the Judge of the Law and Equity Court created by this Act, and such person shall hold said office until the next General Election, or until his successor is elected and qualified. At the General Election in 1974, and every eight (8) years thereafter, there shall be elected by the qualified voters of Dyer County, a Judge of the Law and Equity Court, who shall hold said office until the expiration of his term or until his successor is elected and qualified.

**SECTION 6.** In their respective jurisdictions, the County Court Clerk of Dyer County shall have the same authority, power and duty in regard to such Court and all matters pertaining to said Court as the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and Circuit Courts of the State of Tennessee. This Act shall not alter the manner in which the Clerk of the County Court of Dyer County, Tennessee, shall be elected and appointed.

The fees received by the Clerks of the Circuit Courts and Clerks and Masters of the Chancery Courts of the State of Tennessee for services performed in regard to the Law and Equity Court shall constitute a part of the fees of the County Court Clerk of Dyer County, Tennessee and shall be received, accounted for and disposed as such.

**SECTION 7.** The County Court Clerk of Dyer County, Tennessee shall maintain for the Law and Equity Court, dockets, minute books and all other records which Circuit Court Clerks and Clerks and Masters of the Chancery Courts of the State of Tennessee, are required by statute to maintain in regard to their respective courts. Such dockets, minute books and records shall be kept by the County Court clerk of Dyer County, Tennessee and shall be designated as the dockets, minute books and records of the Law and Equity Court of Dyer County.

**SECTION 8.** The first term of the Law and Equity Court of Dyer County, Tennessee, herein created, shall begin on the first Monday in July, 1972 and thereafter terms shall begin on the first Monday of each and every consecutive month thereafter.

The Law and Equity Court and the Judge thereof shall have authority to hold chambers courts for the disposition of chancery causes. Process shall be returnable in accordance with the new rules adopted by the Legislature affecting all Law and Equity cases and courts in the State of Tennessee. The Judge of the Law and Equity Court shall have authority to promulgate rules of court necessary and proper to effect the orderly trial of all cases within the jurisdiction of the Court.

**SECTION 9.** Any and all actions by the Law and Equity Court and the Judge thereof shall be reviewed by appellate courts in the same manner provided by law for the review of similar action by Chancery or

Circuit Courts and the judges thereof, depending upon the nature of the case and the action taken by the court or judge.

**SECTION 10.** The Sheriff of Dyer County shall wait upon the Law and Equity Court in the same manner as the Chancery, Circuit and Law Courts of Dyer County, for which he shall receive the same fees and other emoluments of office. The Sheriff and all other officers of the State shall execute all process issued from said court and shall receive the proper fees for such service.

**SECTION 11.** The Judge of the Law and Equity Court of Dyer County, Tennessee shall have and exercise all probate jurisdiction and all juvenile jurisdiction of all juvenile cases arising within Dyer County, Tennessee and the County Court Clerk of Dyer County, Tennessee shall continue to maintain all records of juvenile and probate cases where within the special jurisdiction of the County Court.

**SECTION 12.** Appeals in all Circuit cases may be taken from the decision of the Court of General Session for Dyer County to the Law and Equity Court in the same manner as provided by law for such appeals to the Circuit Court.

**SECTION 13.** Chapter 57, of the Public Acts of the General Assembly of the State of Tennessee, for 1947, and all amendments thereto and all laws or parts of law in conflict with this Act, or any provisions of same, shall be, and the same are, hereby repealed.

**SECTION 14.** If any provision of this law be adjudged unconstitutional by a court of competent jurisdiction, such shall not affect the other provisions, it being the legislative intent here expressed that the remainder of said bill would have been enacted, irrespective of the invalid provision.

**SECTION 15.** This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1972.

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